

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 18, 2002
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Titus James, North Heights Christian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the meetings for June 4, and June 11, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

YOUTH SERVICE Wichita's Promise – Youth Community Service Awards were presented.

PROCLAMATIONS Proclamations previously approved was presented.

SERVICE CITATION Distinguished Service Citations were presented.

PUBLIC AGENDA

Greater Wichita Sports Commission.

George Fahnestock Greater Wichita Sports Commission, said the Coalition had been meeting for long time to develop a plan for a new sports complex in Wichita. There have been major challenges. Tax increases have elevated concerns as to whether now is right time to ask voters for necessary funding. Now, upon careful evaluation it appears the right thing to do is to listen to citizens and defer the election calling for a sales tax increase. The Coalition still believes a sports and entertainment complex is the right thing to do. The Sports Commission will meet with the County to continue to work together, and will continue to explore options and get guidance from citizens.

Mr. Fahnestock asked the City Council to engage directly with the Coalition. The Coalition will continue to expand what has been started.

Sharon Ailslieger, League of Women Voters-Wichita/Metro – Dynaplex Project Public Hearing Request.

Sharon Ailslieger Sharon Ailslieger said the League still feels it is important on all issues that citizens have participation in government. The League's position is that democratic government depends on informed and active citizen participation on all forms. When the dynaplex issue resurfaces there should be more public meetings. There have been targeted groups but no large meetings for common citizens to participate. Ms. Ailslieger asked that the City Council use its influence to see that at-large meetings are held to provide information and answers

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UNFINISHED BUSINESS

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE – 1819 WEST 53RD

STREET NORTH. (District VI)

(Continued from May 7, 2002)

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 02-1319A

This property was before the Board of Code Standards and Appeals (BCSA) on March 4, 2002. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

This case was before Council on May 7, 2002. Clarence Sponsel of Realty Executives appeared to represent the property and the Council voted to defer the matter for 30 days to allow completion of foreclosure action by the mortgage company.

On June 7, 2002 staff made an inspection of the property. No repairs had been made. The structure was secure (house). The premise was in good condition. Clarence Sponsel indicates that the Bank should have full possession and ownership by June 7 or 10, 2002, allowing the property to be sold or the Bank to initiate some repairs or demolition of the accessory structures.

The taxes are current.

The owner and Mr. Sponsel have been notified of the date and time of this hearing.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Fearey moved that the public hearing be closed, the Resolution declaring the buildings dangerous and unsafe be adopted; and the BCSA recommendation to proceed with demolition with 60 days to complete repairs and 30 days to remove outbuildings. Any extension of time granted to repair the structures should be conditioned on the following: (1) the main structure is secured as of June 18, 2002 and will be kept secured; (2) the premise is mowed and free of debris as of June 18, 2002 and will be so maintained during renovation; and (3) the leaning and severely damaged accessory structures will be repaired or demolished within 30 days of June 18, 2002. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-276

A Resolution finding that the structure located on the east 77 feet of Lot 2, Gardiners Acres, Sedgwick County, Kansas, commonly known as 1819 West 53rd Street North, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(The Council proceeded to take up Item 5; action is shown in Agenda order.)

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NEW BUSINESS

PAVE CHAUTAUQUA PETITION TO PAVE CHAUTAUQUA, FROM 26TH STREET NORTH TO 27TH STREET NORTH. (District I)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 02-1526

The signatures on the Petition represent 2 of 3 (66.67%) resident owners and 56.88% of the improvement district area. District I Advisory Board held an April 1, 2002, neighborhood hearing on the project. The Board deferred action on the Petition because of issues about its validity. Those issues were resolved and on June 3, 2002, the Board unanimously recommended approval of the Petition.

The improvement district area is primarily undeveloped church property.

The estimated project cost is \$67,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.55 per square foot.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Richard Scott Richard Scott, Pastor of New Philadelphia Church of Christ, said accessibility is the issue, and urged approval.

Motion -- Brewer moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.
-- carried

RESOLUTION NO. 02-277

Resolution of findings of advisability and Resolution authorizing improving Chautauqua from the south line of 27th Street North to the north line of 26th Street North, 472-83601, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

EASTBOROUGH MUTUAL AID AGREEMENT: CITY OF EASTBOROUGH.

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No. 02-1467

To provide response and recovery from disasters, the Sedgwick County Department of Emergency Management, the Kansas Division of Emergency Management, and the Federal Emergency Management Agency have encouraged local and county governments to develop Storm Debris Management Plans. Officials from Wichita and surrounding jurisdictions have recently participated in training and planning sessions to assist in developing coordinated plans. As part of the planning process, local agencies were encouraged to establish Mutual Aid Agreements or other methods of intergovernmental cooperation where appropriate. Because it has limited physical resources to deal with a major emergency, the City of Eastborough has requested the City of Wichita consider entering into a mutual aid agreement to provide assistance in the event of an emergency/disaster.

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The City of Wichita adopted an ordinance in 1996, establishing a policy of providing assistance to other jurisdictions during a disaster. This ordinance authorizes City of Wichita assistance (Police, Fire, EMS, Public Works, Administrative and Clerical) to be made available to other jurisdictions, if requested during a disaster, provided the City can provide the assistance without unduly jeopardizing the protection of its own community. As a more formal measure, Mutual Aid Agreements are often developed between communities that can share services, personnel and equipment. These agreements generally outline the types of assistance that may be made available in the event of an emergency/disaster. The document defines equipment and personnel, and arrangements that may be available as well as the method to reimburse costs. The agreement may stipulate that availability of assistance is at the discretion of the municipality providing the aid, and that no commitment is made unless the resources are available (at the time of any request).

The Mayor of Eastborough has contacted the City of Wichita to pursue a possible Mutual Aid Agreement between the two cities. Because Eastborough has limited capacity to offer services or aid to the City of Wichita, the agreement would be more of an intergovernmental cooperative arrangement with cost reimbursements for any services or assistance provided.

Mutual Aid Agreements normally stipulate cost recovery for any assistance or aid rendered to assure the costs to the providing community are reimbursed by the city requesting/receiving the assistance. Usually, a predetermined rate for various resources would be established and agreed upon, prior to performing the requested assistance. (Pre-arranged Mutual Aid Agreements can help facilitate reimbursement of costs from the Federal Emergency Management Agency, when applicable).

Any Mutual Aid Agreement will be reviewed as to form by the Law Department.

The City of Wichita is not required to enter into Mutual Aid Agreements with other jurisdictions. The City could offer assistance or share resources upon request in the event of an emergency/disaster as a matter of Policy, or the two cities may enter into an official agreement for mutual aid services. (Currently, the City provides fire protection and emergency response to residents of Eastborough, even though it (Eastborough) pays a Fire District Assessment to Sedgwick County for such services).

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the negotiations with the City of Eastborough be approved. Motion carried 7 to 0.

(Item No. 5)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 02-1468

On May 7, 2002 a report was submitted with respect to the dangerous and unsafe conditions on seven (7) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on June 18, 2002.

On April 1, 2002, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

| | <u>Property Address</u> | <u>Council District</u> |
|----|-----------------------------|-------------------------|
| 1) | 1339 South Santa Fe | I |
| 2) | 1665 North Minnesota | I |
| 3) | 327 South Sheridan | IV |
| 4) | 1616 South Emporia (Garage) | III |
| 5) | 837 North Ohio | I |
| 6) | 1620 North Green | I |
| 7) | 1641 North Estelle | I |

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Pursuant to State Statute the Resolutions were duly published twice on May 9, 2002 and May 16, 2002. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared on Items two through seven.

Motion --

Knight moved that the public hearing be closed; the Resolutions, with the exception of 1339 South Santa Fe, declaring the buildings as dangerous and unsafe structures be adopted; and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted with any extensions of time granted to repair the structure being conditioned on the following: (1) All taxes have been paid to date, as of June 18, 2002; (2) the structure(s) has/have been secured as June 18, 2002 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of June 18, 2002 and will be so maintained during renovation. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-279

A Resolution finding that the structure located on Lots 47 and 49, Block 7, Kansas Addition Wichita, Sedgwick County, Kansas, commonly known as 1665 North Minnesota, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-280

A Resolution finding that the structure located on Lots 47 and 49, Block 2, College, Wichita, Sedgwick County, Kansas, commonly known as 327 South Sheridan, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-281

A Resolution finding that the structure located on Lots 2, 4, 6, 8 and 10, Emporia Avenue, Koenig's Addition to Wichita, Sedgwick County, Kansas, commonly known as 1616 South Emporia (Garage), Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-282

A Resolution finding that the structure located on Lots 18 and 20, Ohio Avenue, Elliott and Hammond's Addition to Wichita, Sedgwick County, Kansas, commonly known as 837 North Ohio, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-283

A Resolution finding that the structure located on Lots 18 and 20, Green Avenue, Fairmount Orchards Addition to Wichita, Sedgwick County, Kansas, commonly known as 1620 North Green, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-284

A Resolution finding that the structure located on Lots 33 and 35, Estelle Avenue, Fairmount Orchards Addition to Wichita, Sedgwick County, Kansas, commonly known as 1641 North Estelle. Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

1) 1339 South Santa Fe

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Jerry Wooley Jerry Wooley, neighbor spoke against giving additional time to repair the structure.

Howard Hurd Howard Hurd, property owner, said he has spent \$18,000 on repairs. As he receives money, he purchases items to repair the house. Mr. Hurd said he intends to live in the house when repairs are completed.

Motion -- Brewer moved that the public hearing be closed; the Resolution declaring 1339 South Santa Fe as a dangerous and unsafe structure be adopted; and the Staff recommended action to proceed with condemnation allowing 30 days to complete and if not completed to demolish structure, be accepted with any extensions of time granted to repair the structure being conditioned on the following: (1) All taxes have been paid to date, as of June 18, 2002; (2) the structure(s) has/have been secured as June 18, 2002 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of June 18, 2002 and will be so maintained during renovation. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-278

A Resolution finding that the structure located on as: the north ½ of Lot 12, Block 1, Perry's Addition to Wichita, Sedgwick County, Kansas, commonly known as 1339 South Santa Fe, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

HOMELAND CENTER HOMELAND DEFENSE READINESS CENTER. (District I)

Ernie Garcia City Manager's Office reviewed the Item.

Steve Lackey Director of Public Works reviewed the plan to get the various agencies together and bring the project back to the City Council by the end of the year.

Agenda Report No. 02-1469

The Kansas National Guard is proposing to build a new Homeland Defense Readiness Center (formerly referred to as an Armory) in Wichita. The City and Sedgwick County are being requested to share in the cost of this facility with the ability to jointly use a portion of the building.

The planning concept for the proposed new facility includes all aspects of emergency response preparedness that could provide the capability to train Law Enforcement, Fire, Communications, Emergency Management, and National Guard. Conceptually, the facility would also be available for community use when not needed for its primary purposes. The project will include the closure and consolidation of the existing Armories at 620 North Edgemoor and 3535 West Douglas into the new Readiness Center. The West armory will revert to the City when construction on the new facility is completed and accepted. The East armory will remain under control of the Kansas Military Board.

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The site for the new Readiness Center is proposed for location on City-owned land at I-135 Highway and East 29th Street North, west of Hillside and south of K-96 Highway. The site meets the requirements for the facility and has adjacent land for future expansion, if required.

Under the terms of the agreement, the project is planned for construction in Federal FY 2004, which begins October 1, 2003. To make the schedule, the proposed Readiness Center must have a 35% completed design by December 31, 2002. In addition, the National Guard must have a firm commitment on the proposed site from the City (long-term lease or deed), and a letter of intent from both the City and County governments to provide funding for the design and the 25% local share of the construction.

The City's Capital Improvement Program contains \$1.7 million as its share of the project. The County has committed a like amount in its capital program. Once the National Guard receives the local commitments, it will submit a formal request to the National Guard Bureau for necessary funding of the Federal share of construction costs for the proposed Center from the Department of Defense Budget.

Inasmuch as the City has agreed to manage the project, subject to City Council approval, Staff has prepared a Request for Proposal (RFP) for the Programming and Design services for the project. The RFP has been reviewed by Staff personnel from the City, Sedgwick County, and the National Guard. Upon approval by the City Council, responses to the RFP will be solicited to meet project scheduling for funding; it will be necessary to have a consultant under contract by the mid-July of this year.

The project is authorized in the 2002-2011 Capital Improvement Program (CIP). The funding source is General Obligation Bonds. (Project No. 435349, OCA No. 792379). Sedgwick County is contributing 50% of the design costs, \$250,000 this year with a commitment of \$1.45 million next year to be paid over a designated time period. The City and County's financial (combined) commitment is not to pay more than \$3.4 million. The Department of Defense Budget will provide the balance of the project cost.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Col. L. Smith

Kansas Air National Guard said a vision was developed to make more than a standard armory and use the facility in a manner to improve public safety training in Wichita/Sedgwick County. This is an opportunity to save money and to bring together those who respond to emergencies in the community.

Col. Vonderschmidt

Deputy Commander of the State Area Command for KANG thanked the City Council for its support on the project, and said this is an opportunity to share the facility with the entire community.

Motion --
-- carried

Brewer moved that the Project be approved; the Resolution be adopted; and Staff be authorized to select a design consultant. Motion carried 7 to 0.

RESOLUTION NO. 02-285

A Resolution approving the initiation of a project to design and construct an emergency readiness facility and declaring it to be the intention of the City to issue General Obligation Bonds in an amount not to exceed \$1,7000,000.00 to pay all or a portion of the costs of such project, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

EAST BANK

REDUCTION OF EAST BANK REDEVELOPMENT DISTRICT BOUNDARIES.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No.02-1470

In 1995, the City Council took the necessary legal steps to establish the East Bank Redevelopment District for the purpose of generating tax increment financing for public improvements located within the district. The steps taken by the City Council established 1995 as the base year, from which the

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increase in property tax revenues (the tax increment) are measured. The East Bank district is not producing the increase in tax revenue that was anticipated due to significant devaluation of property not associated with East Bank redevelopment. It is proposed to remove areas that have been devalued in order to restore to the tax increment value added by redevelopment. This requires changing the district boundaries.

The current boundary of the East Bank district is bounded on the north by First Street, on the east by Broadway Street, on the south by Kellogg Street and on the west by McLean Boulevard. The proposed new boundary includes only the area bounded on the north by Douglas Avenue, on the east by Main Street, on the south by Kellogg Street, and on the west by McLean Boulevard. This area includes all of the original project area for East Bank Redevelopment.

In 1997, the City Council took the necessary steps to adopt a redevelopment plan that included a feasibility study and a description of the redevelopment projects necessary to satisfy the requirements of K.S.A. 12-1771. Because there will be no change in the redevelopment project area, or to the results of the feasibility study, it is not necessary to amend the redevelopment plan for the project.

Appraised values of several properties in the East Bank district were reduced subsequent to the construction of the Hyatt Hotel, offsetting the \$20 million in new valuation added by the Hotel. Reducing the boundaries of the TIF district will restore aggregate incremental valuation to the district and increase TIF revenues by an estimated \$500,000 per year.

K.S.A. 12-1771 (as amended) allows cities to remove property from a redevelopment district by ordinance. The proposed Ordinance has been reviewed by the City's Law Department and approved as to form.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Brewer moved that the reduction be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita removing property from the East Bank Redevelopment District, introduced and under the rules laid over.

PLANT EQUITY FEE PLANT EQUITY FEE RECALCULATION ORDINANCE.

Motion -- carried

Knight moved that this Item be deferred four weeks. Motion carried 7 to 0.

TREE TRIMMING CONSIDERATION OF WICHITA TREE TRIMMING ORDINANCE.

Joe Pajor

Natural Resources Director reviewed the Item.

Agenda Report No. 02-1472

During the early 1990's, Western Resources changed its long-standing practice regarding line clearance (of trees) to maintain safe distances from electrical lines. In early 1990's, a three-year pruning cycle was followed utilizing about 20 line-clearance crews. Later, the company established a pruning schedule that was prioritized-based on those distribution circuits (company-wide) having the highest incidents of outages and power quality complaints related to trees contacting lines. Line-clearance operations were changed and crews were reduced to as low as seven for responding to "hot spots" (only) for several years. This policy change resulted in most of the line-clearance pruning in Wichita being delayed for many years. During this same time period, the City experienced periods of high rainfall and rapid tree growth. In addition, consumer's expectations of uninterrupted service greatly increased as a result of the growing number of digital electronic clocks, computers, and other sensitive appliances. Such instruments have a low tolerance for power quality problems

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As a result of the above history and trends, Western Resources instituted an aggressive line-clearance program. This program was predicated on a longer trimming cycle (approximately four to five years), often involving the removal of up to eight to 15 years of growth. When this new practice started, a voluminous number of complaints were received indicating that older, more mature trees in established neighborhoods were being "butchered" or "mutilated" by the electric utility's line-clearance contractor. The trimming was done with the sole purpose of line clearance, without regard to pruning and shaping the trees to balance the severe cutting. To add to an already inflammatory situation, Western Resources directed its contractor(s) to begin trimming back trees to clear the neutral conductor located four to 18 feet below the energized conductors, resulting in even more drastic trimming operations. In response to the numerous complaints, the damage to the trees, and the lack of tree shaping and tree-wound protection, the City adopted an ordinance in August, 2000 to more regulate and require permitting for tree-pruning operations of any trees on public property.

In addition to addressing the tree trimming practices by Western Resources, the ordinance also addressed trenching operations (by all of the utilities) that occurs near trees causing significant root cuts and damage that impact the health and environment the City's tree stock.

Western Resources (now Westar Energy) is approximately four years into a scheduled 10-year effort on its utility line-clearance program. Company-wide, Westar Energy claims it is spending \$12 million/year on this work. Of that amount, Westar states that it spend approximately \$4 million "in the Wichita area."

The City has not yet implemented all the provisions of the tree ordinance due to resource limitations and current permitting requirements already existing in City Codes for excavation work within the right-of-way. The Permitting Section of the Code (requiring permits) applies also to root-pruning activities by all underground utility and sidewalk contractors, as well as the pruning of the tree canopy for line-clearances. The Code provisions governing public trees (prior to the August, 2000 adoption of the Section requiring permitting) does include requirements and penalties for any person cutting any public trees without approval of the City.

To facilitate the tracking of its tree trimming schedule, Westar Energy provides an end-of-the-week schedule for any work to be done (inside the City limits) for the following week. Park and Recreation Department Staff conduct spot inspections of the work.

Senate Bill 545: Westar Energy was successful earlier this year in its significant lobbying at the State Legislature to pass along added charges to electrical billings for work it has previously done within its rate base. The State law was changed over the objections of local governments, the Kansas Corporation Commission (KCC), and ratepayer organizations to permit utility companies to use an expedited process to recover all costs that result from local requirements (and for other things) by surcharging utility bills to its customers. Westar Energy, uncertain as to exactly how the City's tree trimming ordinance would impact its operations, feared that it might have to significantly change its tree trimming work and performance. A Company estimate was made that this could result in a \$4 million annual expenditure. (These costs went unchallenged and were never validated). A local news reporter, in an attempt to equate this amount to the monthly financial impact on each Wichita electric ratepayer, extrapolated this significantly inflated number and estimated a monthly cost impact on customers of \$15/ month. The reporting of this reporters guestimate has caused concern among many ratepayers in Wichita.

The current tree ordinance, coupled with the recent change in State law, have combined to cause concern to some ratepayers about being charged an additional amount to solve the Westar Energy Company for its traditional cost-of-operations (i.e. tree trimming/trenching, etc). The real purpose, as testified to at the Legislature, is that Westar Energy is simply trying to regain money from the KCC's recently imposed rate reductions.

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In response to the State Legislature's passage of Senate Bill 545, the City has three options:

1. Enforce the existing tree trimming ordinance, as adopted;
2. Continue the current practice of limited enforcement of the ordinance; or
3. Repeal the "tree pruning permit required" Section of the current tree ordinance.

Recently, Westar Energy has announced that it will allow property owners the option to contract privately with a properly-credentialed company to maintain line-clearances. Such an arrangement would require the property owner to pay all associated costs of the line-clearance and be subject to an annual inspection by Westar Energy to ensure that adequate line-clearance is maintained. This policy is likely not to be implemented too frequently because it imposes a utility's costs-of-doing business to the local electrical consumer.

| Option | Pros | Cons |
|---|--|---|
| Full enforcement of existing tree pruning permit ordinance for trees on public property | Maximizes the protection of the public tree resources of the community. Enhances aesthetics and protects damage of mature public trees. Minimizes City liability for damage and injury claims. | Potentially triggers charge to all utility customers within the City limits. Is divisive of those property owners who have large mature trees with overhead electric lines verses those who do not. Adds the cost of permitting and inspections to the City. Does not address the majority of the line-clearance activity on private property. |
| Limited enforcement of existing tree-trimming ordinance | Maintains the status quo. Reduces the potential for additional charges on local utility bills. | The severe line-clearance tree mutilation (of the last two years) will continue on both public and private trees. Allows continued excavation practices and damages by underground utilities |
| Repeal existing tree pruning permit required section of the ordinance | Eliminates the justification for utilities to pass on additional charges, but does not eliminate the threat of same for other purposes. Eliminates any costs of trimming enforcement | Reduces protection and preservation for the public street trees of the community. More extreme pruning may occur for the foreseeable years. |

Full enforcement of the existing ordinance provisions would necessitate additional costs to provide enforcement capabilities. Most of these costs, however, could be offset by permit fees. Westar, however, would likely charge any such costs to customers in the Wichita metro area. Repeal of the August, 2000 tree pruning permit provisions from the existing tree ordinance should negate any reasons to surcharge utility bills for its operation of the tree trimming program. With the pending negotiations for a new franchise agreement, these and other operational decisions will be discussed and, hopefully, worked out with Westar while, at the same time, limiting the potential for Westar to pass on new costs to area customers.

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The State law now allows utilities an expedited process to recover costs that are “in excess of those normal and reasonable costs incurred by a public utility applying good utility practices due to the actions of a city’s governing body”. These costs can then be “added to such utility’s end-user customers bill, statement, or invoice a surcharge equal to the pro rata share of any such fees”. Under the provisions of the legislation, the Kansas Corporation Commission must find that the fees are appropriate and properly calculated.

The City Council has the authority to take any of the three options identified in this agenda report, as well as to amend the existing ordinance.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
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Knight moved that Ordinance repealing Section 9.08.025 of the City Code be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance repealing Section 9.08.025 of the City Code, introduced and under the rules laid over.

NAMING PARK

NAMING OF PARK AT THIRD STREET AND CHAUTAUQUA. (District I)

Council Member Brewer

Council Member Brewer reviewed the Item.

Agenda Report No. 02-1473

City Council Policy 13 delineates the requirements for naming public facilities “...in accordance with their intended use...”. The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration.

A Mayor’s Advisory Committee consisting of seven members—one nominated by the Mayor and one nominated by each Council Member—was established to review and suggest possible names for the park.

The Mayor’s Advisory Committee met Thursday, May 30, 2002 to review and suggest possible names for the park property. More specifically, the committee focused its discussion on a request presented by the Uptown Neighborhood Association to name the property Chautauqua Park. Following discussion, the committee formally recommended the aforementioned property be named Chautauqua Park.

City Council Policy 13 grants the City Council final authority for selection of an appropriate name for the park. The name used must not be duplicated or be confused with the names of existing facilities, and the selection must be based on the function of the facility and the image the name would project.

There are no financial considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Brewer moved that the park be named Chautauqua Park. Motion carried 7 to 0.

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CITY COUNCIL AGENDA

APPOINTMENTS

APPOINTMENT OF COMMISSION OF ELECTORS TO DEVELOP NEW CITY COUNCIL DISTRICT BOUNDARIES.

Agenda Report No. 02-1474

Charter Ordinance 173, adopted on October 28, 1998, requires the City Council to appoint a Commission of Electors by this July. The Commission's task is to examine the current plan of City Council districts, and by September 30, 2002 make recommendations to Council on revised district boundaries in order to comply with the provisions in the Charter Ordinance. The City Council must re-establish the boundaries, taking the Commission's recommendations into account, by December 31st of this year.

The Charter Ordinance requires that boundary lines for the six Council districts be established in a way that:

- Allocates approximately 1/6th of the total city population within each district, with no district having more or less than a 5 percent deviation from the 1/6th population figure;
- Maintains reasonably compact areas in each district;
- Follows election precinct lines set by the county election commissioner;
- Avoids use of any partisan data; and
- Maintains "the integrity of broadly cohesive areas of interest".

The Charter Ordinance only states that the Commission of Electors "have at least one elector from each district". In the most recent redistricting effort in 1998, City Council Members made one appointment each to this Commission, and the Mayor made a 7th appointment who acted as the Commission's chair and reported their final recommendations to the City Council. In 1992, the Council appointed 7 members to the Commission, and in 1990, the Council appointed 14 members.

In 1998, the Commission of Electors solicited comments on several alternative redistricting plans from the CPO district councils and from neighborhood and other civic associations, before selecting a final recommended plan to submit to the City Council. It would seem appropriate to follow a similar process this year, using the District Advisory Boards. Also, this year the task of the Commission of Electors should be made faster and easier by the ability of new GIS software that will instantly show the Commission a map and population table for any suggested set of district boundaries.

The City has continued to increase in size and population since the last population estimates were made for the 1998 redistricting effort. The 2000 Census population count shows City Council districts ranging from a low of 51,797 in District 3 to a high of 64,701 in District 5. With a target population of 58,445 representing 1/6th of the City's population, current populations in Council Districts 2 and 5 already exceed that target number by more than 5% (a trend that will continue based upon the direction of projected growth for the City). The current population of District 3 is less than the target population by more than 5%, with little prospect of future growth.

The Commission of Electors will need to examine revisions that will provide a better population balance, taking into account the considerations in the Charter Ordinance, as well as considering other factors such as: natural boundaries and the boundaries of local neighborhood associations; the likely magnitude and direction of future growth over the next 10 years; and the manner in which "everyone's neighborhood", the central business district, should be represented.

Charter Ordinance 173 specifies the need to examine redistricting, and the role of the City Council and the Commission of Electors in the redistricting process. The City Attorney's office will assist the City Manager's office, the City GIS division of the IT department, and MAPD staff as necessary through this process.

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The redistricting process will require staff time, materials and supplies, copying and postage costs, etc. that have not been specifically budgeted for this year.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the appointments of Jack Focht , Chair (Knight), Amy Garcia (Martz), Eugene Anderson (Brewer), Armstrong (Gale), Nile Dilmore (Fearey), Foley (Lambke) be approved. Motion carried 7-0

-- carried

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER PISCOTTE TO ATTEND NLC BOARD OF DIRECTORS MEETING IN MINNETONKA, MN, JULY 17-21, 2002.

Motion – carried

Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

APPOINTMENTS

BOARD APPOINTMENTS.

No appointments were made.

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Items 29d and 53, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 17, 2002.

Bids were opened May 24, June 7 and June 14, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

66 inch raw water supply line from 21st Street North and Hoover to 17th and Sheridan - south of 21st Street, east of Ridge Road. (448-89439/633720/ 750807) Traffic to be maintained during construction using flagpersons and barricades. (Districts V and VI)

BRB Contractors Inc. - \$5,726,336.00

2002 street rehabilitation; North Arkansas from 38th Street to 45th Street - north of 35th Street North, east of Seneca. (472-83495/706836/202302) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Ritchie Paving - \$276,000.00 (Engineer's estimate)

Pawnee from Rock Road to Webb Road - Phase 2 - Landscaping - Pawnee from Rock Road to Webb Road. (472-83087/706782/200239) Does not affect existing traffic. (District II)

Green Glo Turf Maintenance - \$33,067.60 (Corrected total)

Webb Road from Pawnee to Harry - Phase 2 - Landscaping - Webb Road from Pawnee to Harry. (472-83093/706783/200240) Does not affect existing traffic. (District II)

Seeders Inc. - \$38,007.00

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Custer Avenue from the north line of Pawnee Avenue, north to and including the cul-de-sac at the south line of vacated Orient Boulevard to serve Southwest Industrial Addition - north of Pawnee, west of Meridian. (472-83389/765686/490797) Does not affect existing traffic. (District IV)

Kansas Paving Company - \$412,703.40

Intersection Improvements at George Washington Boulevard and Mt. Vernon - east of Hillside, south of Harry. (87N 0212-01 472-83168/706792/200246) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$396,602.50 (Subject to KDOT approval)

Southeast Water Transmission Main - along K-15 from 63rd Street South to Kansas Turnpike. (448-89688/633740/751884) Traffic to be maintained during construction using flagpersons and barricades. (District III)\$

Garney Co. - \$2,587,355.00

Sandplum Circle from the south line of 34th Street North, south and east to and including the cul-de-sac; and on Sandplum Court from the east line of Sandplum Circle east to and including the cul-de-sac to serve Ridge Port North Third Addition - south of 37th Street North, east of Ridge. (472-83410/765734 /490845) Does not affect existing traffic. (District V)

Ritchie Sand Inc. - \$72,500.75

Water Distribution System to serve Ridge Port North Third Addition - south of 37th Street North, east of Ridge. (448-89505/735062/470732) Does not affect existing traffic. (District V) - \$47,000.00

Duling Construction - \$15,180.00

Museum District Boulevard, Landscaping - Phase 2 to serve WAM Addition; Unplatted City Property (west of Seneca, north of Central) (472-83228/706795/200248) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Green Glo Turf - \$230,496.00 (Corrected total)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: High Service Pump Station Ventilation Heat Relief System. (633744)

Piping & Equipment - \$146,496.00

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Biostimulants. (184754)

Natural Resource Protection, Inc. - \$65.00 (Price per gallon)

HUMAN SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY DIVISION: Pruning, Raising the Fringe, Trimming, Removing and Shaping for Crown Symmetry, and/or Removal of trees. (097027)

Trugreen – Chemlawn - \$ 40.25 (Item 1/cost per each)
\$ 40.25 (Item 2/cost per each)
\$ 40.25 (Item 3/cost per each)
\$ 86.25 (Item 4/cost per each)

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\$103.50 (Item 5/cost per each)
\$115.00 (Item 6/cost per each)
\$109.25 (Item 7/cost per each)
\$126.50 (Item 8/cost per each)
\$138.00 (Item 9/cost per each)
\$ 86.25 (Item 10/cost per each)
\$172.50 (Item 11/cost per each)
\$402.50 (Item 12/cost per each)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Moyno Stator Parts.
(184119)

JCI Industries Inc. - \$14,991.75 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Concrete Saw. (130807)

United Rentals - \$13,100.00 (Total net bid)

GENERAL GOVERNMENT DEPARTMENT/PROPERTY MANAGEMENT DIVISION: Mowing,
Trimming, and Edging at Various Locations. (205021)

One Time Lawn Service - \$150.00* (Group 1/unit price bid)

Pro Lawn Care Inc - \$390.00* (Group 3/unit price bid)

*Low bidder was able to perform. Bids were redirected.

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid,
and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u> | <u>2002</u> | <u>(Consumption off Premises)</u> |
|----------------|-------------|-----------------------------------|
|----------------|-------------|-----------------------------------|

| | | |
|-----------|-------------------------|-----------------------|
| Mary Mena | El Salvador Restaurant* | 209 South West Street |
|-----------|-------------------------|-----------------------|

(Consumption off Premises)

| | | |
|---------------------|---|------------------------|
| Benjamin J. Schultz | T & E Oil Co. Inc. #19 dba Pantry Plus #19 | 10304 West 13th Street |
|---------------------|---|------------------------|

| | | |
|---------------------|---|----------------------|
| Benjamin J. Schultz | T & E Oil Co. Inc. #20 Dba Pantry Plus #19 | 237 South Maize Road |
|---------------------|---|----------------------|

| | | |
|----------------|-----------|--------------------|
| Saeed Mansouri | AM Conoco | 12728 East Central |
|----------------|-----------|--------------------|

| <u>New Establishment</u> | <u>2002</u> | <u>(Consumption off Premises)</u> |
|--------------------------|-------------|-----------------------------------|
|--------------------------|-------------|-----------------------------------|

| | | |
|------------------|----------|-----------------------|
| Robert J. Byrnes | FU #4005 | 7115 West 13th Street |
|------------------|----------|-----------------------|

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried
7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Tallowood from the east line of Lot 64, Block 6, Rocky Creek, to the east line of Lot 55, Block 6. On Castlewood/Glen Wood from the east line of Lot 7, Block 2, Rocky Creek Second, to the south line of Tallowood. On Tallowood Court, serving Lots 64 through 74, Block 6, Rocky Creek, from the north line of Lot 74, Block 6, to and including the cul-de-sac. A Sidewalk shall be constructed on the south side of Tallowood from the east line of Lot 64, Block 6, Rocky Creek Addition to the east line of Lot 55, Block 6 to serve Rocky Creek and Rocky Creek Second Addition - north of 13th, east of 127th Street East. (472-83433/765731/490842) Does not affect existing traffic. (District II) - \$378,600.00
- b) 127th Street East from one-half mile south of Harry to Harry to serve Equestrian Estates - south of Harry, east of 127th Street East. (472-83425/765708/490819) Traffic to be carried thru construction. (District II) - \$365,000.00
- c) Water distribution system to serve Deer Lake Estates Second Addition - south of 47th Street, west of Oliver. (448-89656/735055/470725) Traffic to be carried thru construction. (District III) - \$36,300.00
- d) McAdams Park Tennis Court Reconstruction 2002 Park CIP to serve McAdams Park - east of Wabash, south of 17th Street. (472-83543/785029/392161) n/a. (District I) - \$80,000.00
- e) Boston Park Tennis Court reconstruction 2002 Park CIP to serve Boston Park - east of Woodlawn, north of Boston. (472-83544/785029/392161) n/a. (District II) - \$80,000.00
- f) Repaving Amidon from Murdock to 11th Street in connection with 66 inch Raw Waterline from Water Treatment Plant to 21st and Zoo - Amidon, Murdock to 11th Street North. (448-89439/633720/132712 /750807) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$339,199.20
- g) Lateral 3, Main 19, Southwest Interceptor Sewer to serve Ridge Port North Fourth Addition - south of 37th Street North, east of Ridge. (468-83276/743924/480612) Does not affect existing traffic. (District V) - \$405,000.00
- h) Grading, surfacing, concrete pavement, bridges, signing, lighting, signalization, pavement markings, landscaping and irrigation, for Kellogg Avenue (US-54) /Tyler and Maize Interchanges. (472-83533 /702315 /400272) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$56,679,400.94
- i) Constructing a Water Distribution System to serve part of Fruitvale Park Addition - south of Central, east of I-235. (735004/448-89544/470-674) (District IV) Total estimated cost - \$4,520.00
- j) Main 3, Cowskin Interceptor Sewer Part II - Maize Road, north of K-42 Highway. (743894/468-83330/480-582) (District V) Total estimated cost - \$125,000.00
- k) Lateral 27, Cowskin Interceptor Sewer - south of Maple, west of 135th Street West. (743889/468-83328/480-577) (District V) Total estimated cost - \$8,100.00
- l) (Amended) - cost of Lateral 49, Main 2, Sanitary Sewer 22 to serve W.H.H. Addition - south of 27th Street South, west of Seneca. (743875/468-83266/480-563) (District IV) Total estimated cost - \$24,000.00
- m) (Amended) - cost of Lateral 473, Southwest Interceptor Sewer to serve Westlink Christian Church Addition - south of 21st, west of Maize. (743878/468-83302/ 480-566) (District V) - Total estimated cost - \$25,530.00

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n) (Amended) - cost of Lateral 140, Main 4, Sanitary Sewer #23 to serve Timmermeyer Gardens Addition - east of Hood, north of 31st Street North. (743874/468-83267/480-562) (District VI) Total estimated cost - \$20,340.00

o) (Amended) - cost of Lateral 467, Southwest Interceptor Sewer to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (743868/468-83218/468-83251/480-556). (District V) - Total estimated cost - \$200,560.00

p) (Amended) - cost of Lateral 138, Main 4, Sanitary Sewer #23 to serve Jones Park Addition - north of 33rd Street North, east of Arkansas. (43819/468-83048/480-507) Total estimated cost - \$20,160.00

q) (Amended) - constructing Edgemoor Drive, from the south line of Lot 97, Block 2 to the southeast line of Lot 84, Block 2; and Pembroke Circle, from the east line of Edgemoor Drive, to the northwest line of Lot 85, Block 2, including the turnaround to serve the Courts II - north of 21st Street North, west of Woodlawn. Total Estimated Cost - \$194,670.00 (District I).

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

COST STATEMENT STATEMENT OF COST:

a) Improving Jabara Airport. Total Cost - \$1,118,260.00 (plus idle fund interest - \$13,561.03; less financing previously issued - \$450,000). Financing to be issued at this time - \$668,260. - (792348/435-318)

Motion -- carried Knight moved that the Statement of Cost be received and filed.

SANITARY PETITION FOR SANITARY SEWER MAIN TO SERVE AN AREA EAST OF HYDRAULIC, NORTH OF 37TH STREET NORTH. (District I)

Agenda Report No. 02-1475

Five Petitions have been submitted by property owners requesting that their land be included in improvement districts for a sanitary sewer main that will also provide service to the City of Kechi. The signatures on the Petitions represent 100% of the improvement districts.

The areas served are: The Kansas Department of Transportation area office at 45th and Hillside, Koch Industries property, and their undeveloped tracts. On May 7, 2002, the City Council approved a Petition by the School Board to include Heights High School in an improvement district.

The Petitions total \$401,900. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-286

Resolution of findings of advisability and Resolution authorizing improving of Main 13, Parb B, Sanitary Sewer #23 (east of Hydraulic, north of 37th Street North) 468-83262, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-287

Resolution of findings of advisability and Resolution authorizing improving of Main 13, Part C, Sanitary Sewer #23 (east of Hydraulic, north of 37th Street North) 468-83454, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-288

Resolution of findings of advisability and Resolution authorizing construction of Main 13, Part D, Sanitary Sewer #23 (east of Hydraulic, north of 37th Street North) 468-83455, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-289

Resolution of findings of advisability and Resolution authorizing improving of Main 13, Part E, Sanitary Sewer #23 (east of Hydraulic, north of 37th Street North) 468-83457, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-290

Resolution of findings of advisability and Resolution authorizing construction of Main 13, Part F, Sanitary Sewer #23, (east of Hydraulic, north of 37th Street North) 468-83458, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE CUSTER

PETITION TO PAVE CUSTER, NORTH OF PAWNEE. (District IV)

Agenda Report No. 02-1476

On September 25, 2001, the City Council approved a Petition to pave Custer north of Pawnee. An attempt to award a construction contract within the budget set by the Petition was unsuccessful. The developers have submitted a new Petition with an increased budget. The signatures on the Petition represent 100% of the improvement district.

Custer, north of Pawnee, provides access to an industrial area.

The original Petition totaled \$428,000. The new Petition totals \$490,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 02-291

Resolution of findings of advisability and Resolution authorizing the improving of Custer Avenue, from the north line of Pawnee Avenue, north to and including the cul-de-sac at the south line of vacated Orient Blvd., (north of Pawnee, west of Meridian) Project No. 472-83389, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

TURN LANE

PETITION TO CONSTRUCT RIGHT-TURN LANE AND MAJOR ENTRANCE TO MESSIAH BAPTIST CHURCH FOURTH ADDITION, NORTH OF 21ST STREET, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 02-1477

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will improve access to a new church building.

The Petition totals \$178,200. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-292

Resolution of findings of advisability and Resolution authorizing constructing a right turn lane and major entrance improvements on the north side of 21st Street from the east line of K-96 Highway to the east line of Wawona Street to serve Lot 1, Block A, Messiah Baptist Church Fourth Addition (north of 21st Street, west of 127th Street East) 472-83558, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVING/WATER

PETITIONS FOR STREET PAVING, AND WATER DISTRIBUTION SYSTEM TO SERVE PART OF MEDITERRANEAN PLAZA ADDITION – WEST OF WEBB, SOUTH OF 37TH STREET NORTH. (District II)

Agenda Report No. 02-1527

The Petitions have been signed by three owners, representing 100% of the improvement districts.

These projects will provide paving, and water service to a new medical facility.

The Petitions total \$316,500. The funding source is special assessments.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-293

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89686, (west of Webb, south of 37th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-294

Resolution of findings of advisability and Resolution authorizing improving Toben/31st Street north from the west line of Lot 5, 'Block 4; to the east line of said Lot 5, 472-83531, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, May 6, 2002
Wichita Employees Retirement System, April 24, 2002
Police & Fire Retirement System, April 24, 2002
Advisory Board District II, March 18, 2002, April 15, 2002
Board Of Electrical Appeals, May 14, 2002
Library Board Of Directors, May 21, 2002

Motion --carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURE

STREET CLOSURE: WESTBOUND DOUGLAS, WEST OF WATER STREET. (Districts I & VI)

Agenda Report No. 1525

Belger Cartage has contracted to remove and replace the air-cooling units atop the R.H. Garvey building. Because of the location of traffic signal cantilevers at both the intersections of Douglas and Water and the pedestrian crosswalk west of Water and the need to assemble the 300'+ long crane boom the contractor is requesting the closure of the westbound lanes of Douglas on Saturday, June 22, 2002. The closure would begin after 4:00 a.m. and extend until approximately 7:00 p.m.

The businesses adjacent to this closure area have been contacted concerning this proposed closure. Douglas traffic will be maintained in one lane each direction past the work area. The contractor is responsible for necessary traffic control signs and barricades.

There are no financial considerations.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

VENDOR

BEVERAGE SERVICES.

Agenda Report No. 02-1478

The Department of Park and Recreation offers beverages and beverage services at many of its facilities, locations, and special events. Beverage services are typically provided for via a contractual agreement whereby the beverage provider receives exclusive rights to vend its products at the Department's venues in exchange for financial support and other considerations.

A Request for Proposal (RFP) was issued March 7, 2002, and resulted in two (2) viable proposals. Park and Recreation staff reviewed the proposals and recommends that Pepsi-Cola be awarded the contract. A proposed agreement/contract has been drafted between the City and Pepsi-Cola. The contract term is five years.

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Pepsi-Cola will remit to the City \$36,000 in year one and \$32,250 in successive years in exchange for exclusive beverage rights at Department of Park and Recreation facilities, locations, and special events. In addition, Pepsi will provide scoreboards for four new softball fields at the City's South Lakes Athletics Complex. A 45% commission will be remitted on vending machine sales, and the company has also agreed to contribute 100 cases of free product annually for Department of Park and Recreation special events and regional meetings.

Pepsi-Cola will contribute all equipment and materials required to sale its products and provide value-added marketing support to the Department of Park and Recreation.

Year one payments from Pepsi-Cola to the City will be initiated upon approval of the agreement /contract.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

CDBG

CDBG – YOUTH RECREATION AND ENRICHMENT PROGRAM.

Agenda Report No. 02-1479

On March 5, 2002, the City Council allocated Community Development Block Grant (CDBG) funds for the 2002/2003-program year. Included in the 2002/2003 CDBG allocations were funds for a youth recreation program. Administration of the program was procured through a competitive Request for Proposal (RFP).

The grant was approved for the Youth Activity Advancement Alliance, a consortium of service agencies involved in recreation and teaching to administer after school programs for middle-school aged youth. The YMCA is the coordinating agency this year for carrying out the activities of the program. This agency will administer the contract and coordinate recreation and enrichment services for approximately 2,100 low/moderate income youth enrolled in middle school (grades 6 through 8). The contract term is twelve months beginning July 1, 2002 and ending June 30, 2003.

The contract approved for the Youth Alliance program is \$150,000 and is funded in the approved 2002/2003 CDBG budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

CDBG

CDBG – WICHITA INDOCHINESE CENTER.

Agenda Report No 02-1480

On March 5, 2002, the City Council allocated Community Development Block Grant (CDBG) funds for the 2002/2003 program year. Included in the 2002/2003 CDBG allocations were funds for a summer youth employment program. Summer youth employment services were procured through a competitive Request for Proposal.

The contract with the Wichita Indochinese Center provides funds to pay salaries for 100 youth and administrative costs of the eight non-profit agencies participating in the program. The contract term is twelve months beginning July 1, 2002 and ending June 30, 2003.

The contract amount is \$175,000 and is funded in the approved 2002/2003 CDBG budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

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CDBG

CDBG – CATHOLIC CHARITIES, INC. – HARBOR HOUSE.

Agenda Report No. 02-1481

On March 5, 2002, the City Council allocated Community Development Block Grant (CDBG) funds for the 2002/2003 program year. Included in the 2002/2003 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposals.

The contract with Catholic Charities for Harbor House provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 2002 and ending June 30, 2003.

The contract amount for Harbor House is \$68,000 and is funded in the approved 2002/2003 CDBG budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

CDBG

CDBG – YWCA – WOMEN'S CRISIS CENTER

Agenda Report No. 02-1482

On March 5, 2002, the City Council allocated Community Development Block Grant (CDBG) funds for the 2002/2003-program year. Included in the 2002/2003 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposal (RFP).

The contract with the YWCA provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 2002 and ending June 30, 2003.

The contract amount is \$157,000 and is funded in the approved 2002/2003 CDBG budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

RESOURCE CENTER

MIDTOWN COMMUNITY RESOURCE CENTER OF WICHITA, INC.

Agenda Report No. 02-1483

On May 14, 2002 the City Council allocated \$50,000 in 2002/2003 Community Development Block Grant (CDBG) funds to pay for roof repair and interior improvements of the building located at 11th and Broadway, which is occupied by the Midtown Community Resource Center. The Midtown Community Resource Center has been providing comprehensive educational, spiritual, psychosocial and wellness resources to improve the life situations of children, youth and their families living in the Midtown area since 1998.

The Midtown Community Resource Center of Wichita, Inc. is a non-profit organization. The roof repairs and the interior improvements are needed to ensure health and safety standards that will enable Midtown Community Resource Center to continue providing services.

A contract has been negotiated with Midtown Community Resource Center of Wichita, Inc., which establishes performance measures and funding. The contract term is July 1, 2002 to June 30, 2003.

Funding in the amount of \$50,000 for this project will be provided through the 2002/2003 CDBG allocation from HUD.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

REC. CENTER

REMEDIATION OF LYNETTE WOODARD RECREATION CENTER.

Agenda Report No. 02-1484

The City of Wichita recently initiated a project to replace the gymnasium floor at the Lynette Woodard Recreational Center. During the inception of the project it was discovered that the underlying material contained mercury creating an environmental contamination issue needing immediate remediation. City staff initiated a contract with Haz-Mat Response, Inc. for remediation and air sampling of the gymnasium flooring.

The gymnasium flooring material is a discontinued composite material and through laboratory samples it has been determined to contain mercury. However, the mercury has been contained and has never presented a health hazard to the staff or citizens utilizing the facility. During the removal process, staff, working with the contractor, performed air quality tests to ensure that the removal of the flooring material did not generate vapors.

The removal of the flooring was considered to be an emergency so that the hazardous materials could be removed and disposed of in an expeditious manner. This highly utilized facility is programmed for summer recreational use by area children and adults. The removal process needed to be expedited to ensure that this facility could be utilized during the summer months.

The City's Enhanced Building Fund will be utilized to cover the cost of this contract.

Motion --
-- carried

Knight moved that the emergency be declared and the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

MICROG. SERVICES

MICROGRAPHIC SERVICES.

Agenda Report No.02-1485

Microfilming services are required among various City departments. In 1995 micrographic services was outsourced utilizing a competitive proposal process, proving to be cost effective. The current contract expired March 31, 2002.

A Request for Proposal for Microfilm Services was sent to five (5) vendors; two (2) responses were received and evaluated. Evaluation was made on the basis of pricing and ability to provide current levels of quality standards. Microfilm Services Inc. is currently providing the microfilm services and the quality of service provided by their staff has been acceptable. They have knowledge and experience of our system and do not require additional training.

Microfilm Services Inc. submitted the lowest overall bid and offers a 10% discount to offset the cost of accounting to the individual departments.

Law Department will review and approve the contract as to form. The contract will be for a one-year contract with an option to renew under the same terms and conditions for one or two successive one-year periods.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

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AIR QUALITY

AIR QUALITY PROGRAM RENEWAL.

Agenda Report No. 02-1486

Since 1972 the Wichita-Sedgwick County Department of Community Health has received grant funding from the Environmental Protection Agency to operate a local air quality program. Additional funding, from the Kansas Department of Health and Environment, has been provided since 1994. Program objectives include inspection of air pollutions sources, air monitoring for criteria pollutants and toxic compounds, indoor air quality investigations, complaint investigations, responding to hazardous materials spills, and educational activities which include presentations on air quality issues and development of the Environmental Health web site (www.wichitagov.org/health/health.asp).

Three separate grants allow the Health Department to provide comprehensive air quality services that address public health and environmental protection issues. This Federal and State support allows a level of service that would be difficult to provide utilizing only local funding. The local program has been in existence for thirty years, and the Health Department has maintained good working relationships with EPA & KDHE staff. Continued cooperation is essential in dealing with the air quality issues inherent in a growing urban area such as the Wichita metropolitan area.

Four Air Quality Program positions are funded through the three grants. Support staff and office space are provided by the City of Wichita as a 40% local match for the EPA Section 105 grant. The KDHE grant and the EPA PM2.5 (fine particulate) grant do not require local matching funds. The EPA grants are directed through KDHE to the City of Wichita.

Motion --

Knight moved that renewal of the grants be approved. Motion carried 7 to 0.

HOME CHDO

HOME CHDO HOUSING DEVELOPMENT FUNDING.

Agenda Report No. 02-1487

March 5, 2002, the City Council approved an allocation of \$350,000 in HOME funds for housing development projects to be carried out by Mennonite Housing Rehabilitation Services, Inc., (MHRS) and Power CDC, Inc. The agencies are City-approved Community Housing Development Organizations (CHDO's). Both agencies received allocations of \$175,000, as part of the Consolidated Plan funding process. Further, the City Council approved an allocation of \$150,000 for the CHDO Boarded-up House Program. This program provides a means for CHDO's to obtain zero-interest, forgivable loans in order to address blighted housing in the City's Local Investment Areas (LIA's). City-approved CHDO's with experience in single-family housing development are eligible for participation in the program, and may utilize the funding to acquire boarded-up or otherwise blighted structures for the purpose of rehabilitation or demolition and reconstruction of a new home.

Mennonite Housing is in the process of carrying out two housing development projects with prior year CHDO funding. The Orchard Breeze Redevelopment Project funding agreement, which was approved by the City Council January 12, 1999, as part of a re-allocation of 1996 and 1997 HOME CHDO funding in the amount of \$68,200 as well as 1998 CHDO funding in the amount of \$117,200, for a total of \$180,000. Seven homes have been completed, and three homes are currently under construction. Mennonite Housing is also in the process of carrying out a single-family housing development project in the City's Northeast and Northcentral LIA's, with 3 homes completed and sites acquired for another 7 projects. Funding for this project, in the amount of \$230,000 was allocated by the City Council from year 2000 HOME CHDO set-aside funds.

Housing Services is requesting approval for Mennonite Housing's and POWER CDC's new funding agreements. The MHRS funding agreement will provide for \$175,000 in CHDO development funding for the purpose of developing/constructing or rehabilitating single-family housing in all of the LIA's. The new funding agreement for Power CDC will provide for \$175,000 in CHDO development funding for additional single-family housing development in the City's Northeast LIA.

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Housing Services is also requesting approval for the funding agreement providing for the \$150,000 that was allocated for the 2002-2003 Boarded-up House Program, which was approved as part of the 2002-2003 Consolidated Plan funding process. Community Housing Services, Mennonite Housing, Wichita Indochinese Center and Power CDC will be parties to the agreement.

Further, Housing Services is also requesting approval for extension of MHRS' Orchard Breeze funding agreement, in order to extend the deadline for completion of construction from July 15, 2002 to September 30, 2002, and extension of the agency's Northeast/North Central funding agreement in order to provide for a change in the date for completion of construction from June 30, 2002 to December 31, 2003. The Northeast/ North Central project was previously delayed due to difficulties encountered in the acquisition of suitable sites. Sites have now been acquired with HOME funds under the agreement and therefore, HOME eligible projects must be carried out at those sites.

Total project cost for each of the new CHDO development projects is estimated to be \$1,000,000, which will cover the construction or rehabilitation cost of 10 to 11 homes, site acquisition, and demolition, if necessary. MHRS and Power CDC will be leveraging HOME funds with private sector construction loans. Agencies participating in the Boarded-up HOME program will also leverage HOME funds with private sector construction loans.

Funding agreements and any amendments will be approved as to form by the City Law Department. HOME regulations require completion of HOME-eligible projects on sites purchased with HOME funds. With the exception of the Boarded-up HOME program funding, the CHDO project funding is provided as part of the City's mandatory 15% set-aside for eligible CHDO's.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CHDO

CHDO OPERATING GRANTS. (Districts I, III, IV, V, and VI)

Agenda Report No. 02-1488

March 5, 2002, the City Council approved allocations under the 2002-2003 Consolidated Plan, which included \$100,000 of HOME funds for operational support funding for City-designated Community Housing Development Organizations (CHDO's). In order to receive operational support funding, a CHDO must be under contract to receive HOME funding for investment in housing to be developed, sponsored, or owned by the organization. Under HOME regulations, operating expenses are defined as reasonable and necessary costs for the operation of the CHDO. Expenses may include salaries, wages, and other employee compensation and benefits. Expenses for education, training, travel, rent, utilities, communications costs, taxes, insurance equipment, materials and supplies are also eligible.

A Request for Proposals (RFP) was issued to City CHDO's receiving project development funding from the City's HOME program. CHDO's applying for project funding under the 2002-2003 Consolidated Plan were also notified. Proposals were received from 4 organizations: Mennonite Housing Rehabilitation Services, Inc., Power CDC, Inc., Wichita Indochinese Center, and Community Housing Services.

A staff review panel reviewed the proposals and makes the following recommendations for funding:

Mennonite Housing Rehabilitation Services (MHRS), \$33,400, in order to continue staff support for the organization's Orchard Breeze, Northeast/Midtown North and Hilltop Local Investment Area redevelopment projects, as well as a new housing development project that will allow MHRS to develop housing in any of the 5 Local Investment Areas, and a possible system upgrade. Current operational funding is being utilized to partially fund the salary of MHRS' project coordinator. The project coordinator works to promote projects, identify potential homebuyers, works with buyers to obtain permanent financing, identifies potential project sites, and resolves lot split and utilities access issues.

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MHRS has completed 6 new homes under its Orchard Breeze development contract, and is in the process of constructing 4 additional homes. 2 homes have been completed under the 2000-2001 Northeast/North Central Development contract. Two projects are underway, and sites have been acquired for five more homes. MHRS has also completed 2 homes under the City's Boarded-up HOMES Program, and has acquired sites for up to 6 new units to be constructed under its 2001-2002 Hilltop Development Project Contract.

Power CDC, \$30,600, in order to provide staff support for the completion of its Northeast LIA Redevelopment Project, as well as a new northeast Wichita redevelopment project that was approved by the City Council March 5, 2002.

At this time, Power CDC recently completed construction of 10 homes in connection with the 1997 Piatt Area Redevelopment Project contract. The agency has completed 1 additional home under the Boarded-up Homes Program, and is constructing 6 single-family homes in the 1200 block of North Ash. Power CDC has also acquired sites to construct 5 homes in the 1000 block of North Cleveland. Demolition and site preparation has already been completed for this project.

Community Housing Services (CHS), \$36,000, in order to provide continuing operational support in connection with the organization's 1999 Northeast Local Investment Area housing rehabilitation project. CHS has completed 1 home under its agreement and has acquired two additional homes for rehabilitation. Operational funding is also being provided in order to assist the organization in addressing its capacity to develop affordable housing in anticipation of increased production.

The Housing Advisory Board has approved the funding recommendations.

Funding for these allocations will come from the 2002-2003 HOME Grant, as allocated by the Council. Funding will be made available under contractual agreements that will become effective July 1, 2002.

Funding agreements will be approved as to form by the City Law Department.

Motion -- Knight moved that the allocations be approved; Staff be authorized to negotiate the funding
-- carried Agreements; and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES FOR RIDGE PORT NORTH THIRD ADDITION – EAST OF RIDGE ROAD, NORTH OF 29TH STREET NORTH.** (District V)

Agenda Report No. 02-1489

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Ridge Port North 3rd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$18,000, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES FOR HARRY FROM I-235 TO GEORGE WASHINGTON BOULEVARD.** (Districts I & III)

Agenda Report No. 02-1490

On March 27, 2001, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for designing Harry from I-135 to George Washington Boulevard. The fee was \$102,460.

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SRB has been asked by the Water & Sewer Department to reconstruct the sanitary sewer crossing the storm sewer at Harry and Grove. A Supplemental Agreement has been prepared for the additional design services.

Payment will be on a lump sum basis of \$3,800 and will be paid by Water Utility Operating Revenues.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES FOR SUPPLEMENTAL FOR STAKING FOREST LAKES AND FOREST LAKES WEST – NORTH OF 29TH STREET, BETWEEN RIDGE AND TYLER. (District V)

Agenda Report No. 02-1491

The City Council approved the project on April 6, 1993. On May 7, 2002, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking for the improvements in Forest Lakes and Forest Lakes West. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$92,250 and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

WESLEY INN

WESLEY INN GROUND LEASE AMENDMENT. (District II)

Agenda Report No. 02-1492

On January 15, 2002, the City Council approved a Ground Lease Agreement with Wesley Inn LLC in connection with the Central and Hillside Redevelopment Project, also known as the College Hill Square Project. The adopted Project Plan calls for the City to use tax increment financing to acquire a parcel of real estate and to lease it, under a long-term ground lease, to Wesley Inn LLC to provide a site for the construction of an 85-room hotel. Subsequent to the approval of the Ground Lease, Wesley Inn LLC has identified certain additional costs arising from moving their hotel project to the City-owned site. Consequently, they are asking the City to amend the Ground Lease, so that tax increment financing may be used to defray a portion of the added costs.

The new 85-room Wesley Motor Inn will replace the existing Wesley Motor Hotel, which is located at the northwest corner of Central and Rutan. Wesley Inn LLC originally planned to construct the hotel on land being provided for that purpose at the southeast corner of Rutan and Edgemont Place. The hotel developer agreed to move the hotel to the City's preferred site, at the City's request, in order to address concerns of nearby residential neighborhoods.

Wesley Inn LLC has identified costs arising from the decision to move the hotel to the City's site, totaling approximately \$175,000. City staff has analyzed the request and recommends approval of \$65,000 in costs that definitely occur due to the change in site. The recommended cost items include architectural and engineering studies that had to be redone, additional site engineering, legal and development costs, and additional site work and storm sewer work.

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The proposed \$65,000 City contribution to the hotel development costs will be financed with general obligation bonds paid by tax increment financing. The proposed amount does not adversely affect the financial feasibility of tax increment financing for the Central and Hillside Redevelopment Project.

The City's legal authority to disburse funds to an outside party for specified costs must be documented as an approved contractual obligation. The proposed amendment to the Ground Lease satisfies this requirement and has been approved as to form by the Law Department. In conformance with state law governing the use of tax increment financing, the amendment authorizes the City to reimburse Wesley Inn LLC for the cost of site improvements in an amount not-to-exceed \$65,000.

Motion --
-- carried

Knight moved that the First Amendment to the Ground Lease with Wesley Inn LLC be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-295

A Resolution authorizing the issuance of Full Faith and Credit Tax Increment Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of design and construction of stormwater drainage structures, paving and site improvements at the Central & Hillside Redevelopment Project Area, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DESIGN PROGRAM

2002 ARTERIAL DESIGN PROGRAM: ROCK ROAD (21ST TO 29TH STREETS), AND PAWNEE (WASHINGTON TO HYDRAULIC). (Districts II and III)

Agenda Report No. 02-1493

The Capital Improvement Program includes improvements to Rock Road, between 21st and 29th and Pawnee, between Washington and Hydraulic. The Staff Screening and Selection Committee has selected design engineers for each project.

The design engineers and design fees are:

Rock; 21st – 29th
K.E. Miller Engineering \$90,800

Pawnee; Washington – Hydraulic
MKEC Engineering \$51,700

The project budgets total \$196,000. The funding source is General Obligation Bonds except for \$6,000 paid by the Water Utility for a waterline design.

Motion --
-- carried

Knight moved that the design projects and Agreements be approved; the Ordinances be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Rock, from 21st Street North to 29th Street North (472-83539) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ORDINANCE

An Ordinance declaring Pawnee, from Washington to Hydraulic (472-83540) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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ART MUSEUM

ART MUSEUM MODIFICATION/EXPANSION PROJECT. (District VI)

Agenda Report No. 02-1494

On October 17, 2000, the City Council approved an Agreement between the City of Wichita and the Wichita Art Museum, Inc. to provide for the financing and management of the modification/expansion project for the Wichita Art Museum.

On March 20, 2001, the City Council approved the bid of Dondlinger & Sons to construct the modification/expansion project for the museum, which will add approximately 35,000 square feet, increase gallery space by 43% and allow the visiting public better access.

The Change Order request for \$25,419.00 is for modifications to the scope of work as recommended by the Owner, Architect, or Contractor. Change Order items are as follows:

1. Provide security locksets and revisions to the hardware for the existing art vault, preparatory, storage, and new security doors including centralized power supplies.
2. Replace existing Armstrong steam humidifiers and connect the new humidifiers to the existing stainless steel dispersion tubes.
3. Replace existing duplex boiler feed pumps and restore them to their former method of operation. Rework existing control panel and provide relays so that either boiler can control the pumps.
4. Revise Door 202A to a full glass wood door and add a data outlet on the east wall of Room 202A.
5. Provide all labor and material to create a new Maintenance/Housekeeping Room 118 with electrical, telephone, and data outlets.

The Change Order for \$25,419.00 will be funded from the project budget (Project No. 435309, OCA No. 792339). The unencumbered balance is \$1,015,258.79.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval. The Change Order has been approved as to form by the Law Department.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LDS MODIFICATION LAWRENCE DUMONT STADIUM MODIFICATION. (District IV)

Agenda Report No. 02-1495

The City Council previously approved a contract with Western Waterproofing Co., Inc. to construct improvements and modifications to Lawrence Dumont Stadium (LDS). The improvements/modifications included new box seating for the lower grandstands, ADA wheel chair lift, new concrete topping for the complete stadium, new floor topping in the rest rooms and umpire shower, new toilet partitions, new expansion joint material, and miscellaneous concrete repairs throughout the stadium.

The additional modifications/repairs requested through this Change Order will provide for concrete repair, caulking, and additional waterproofing to areas of the stadium not previously addressed as follows:

1. Remove and replace approximately 785 lineal feet of existing joint materials in the areas directly beneath the nine vomitories where leaks appear to originate in existing joints between concrete block in-fill and concrete. In addition, approximately 100 lineal feet of cracks will be routed out and filled with a urethane sealant.

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2. Install a drip edge at the bottom side of the exterior of the column and through the corrugated steel siding and seal around the conduit piping at the corrugated steel to prevent water infiltration into the Concession Stand #5.
3. Remove and repair approximately ten square feet of deteriorated concrete block at the northwest corner of the stadium.
4. Approximately 150 square feet of block wall has deteriorating mortar joints. These mortar joints will be removed and replaced with new mortar (tuck pointing).
5. Remove and replace approximately 400 lineal feet of deteriorated joints between concrete infill and structural concrete at the two ends of the stadium. The deteriorated sealant will be removed and replaced with a urethane sealant.

The Change Order amount of \$13,600.00 will be funded from the previously approved Capital Improvement Project (CIP) for Lawrence Dumont Stadium with a total budget of \$3,707,000. Total expenditures and encumbrances to date total \$3,246,608.88. The project has an un-encumbered balance of \$460,391.12.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SANITARY SEWER

SANITARY SEWER MAIN FOR EAGLES LANDING AT NORTH OLIVER SECOND ADDITION – WEST OF OLIVER, SOUTH OF 45TH STREET NORTH. (District I)

Agenda Report No. 02-1496

On January 15, 2002, the City Council approved a Petition to extend a sanitary sewer main to serve Eagles Landing at North Oliver 2nd Addition. The sewer line is unusually deep and long in length. As a result, the project will demand a great deal of time and effort for air testing. Due to a lack of available personnel and equipment, it is proposed that the work be performed by the Contractor.

A Change Order has been prepared that authorizes additional work. Funding is available within the project budget.

The total cost of the additional work is \$10,550. The funding source is a combination of Special Assessments and Sewer Utility Funds.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

STREET MAINT.

2002 CONTRACT STREET MAINTENANCE PROGRAM. (District IV)

Agenda Report No. 02-1497

On January 8, 2002, the City Council approved the 2002 Contract Street Maintenance Program. One part of the program is a diamond grinding project to improve the riding surface on arterial streets. One of the locations is West Street, south of Pawnee. Based on bid prices, the project can be extended south to 31st Street South, to ensure a smooth transition to existing pavement.

A Change Order has been prepared that authorizes additional work. Funding is available within the project budget.

The total cost of the additional work is \$34,424. The funding source is the General Fund.

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The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HARDSHIP LIENS

RELEASE OF HARDSHIP DEFERRAL LIENS.

Agenda Report No. 02-1498

During the past year, various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

Two properties have been sold and the special assessments have been paid-in-full. Two properties have owners that no longer reside at the property for which the hardship deferral was granted. Hardship Deferral Guidelines state that the property must be owner occupied to qualify for the deferral. The special assessments on those properties will be added to the tax roll for 15 years beginning with the 2002-tax year.

The City of Wichita will collect yearly payments for the special assessments added to the tax rolls.

Motion --
-- carried

Knight moved that release of the Hardship Deferral Lien Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ABATEMENT FUNDS

TRANSFER OF NUISANCE ABATEMENT FUNDS.

Agenda Report No. 02-1499

The transfer requested moves \$30,000 from the Environmental Maintenance Contingency to the Environmental Maintenance Lot Cleanup account. The Environmental Maintenance Contingency was created to fund lot cleanup and weed mowing activities to abate environmental nuisances. Local ordinance and state law allow the City to clean up private property after proper notification of the responsible party. A private contractor performs the work, and the City bills the cost to the property owner directly or as a special property tax assessment.

In the 2002 budget, the Council allocated an initial \$25,500 to fund lot cleanup activities, with an additional \$92,250 in a contingency account available for transfer during the year. The council approved transfer of \$ 30,000 from the contingency account in April of this year. Invoices received for ninety-two completed cleanups total approximately \$ 52,000. Anticipated costs for cleanups under way or not yet billed by contractors are anticipated to deplete the funds remaining in the cleanup account. Fourteen additional cases have been processed for issuance to contractors upon approval of the requested transfer, and inspectors continue to work premise condition cases that will result in future cleanups. Transfer of the second \$ 30,000 is routine, and will allow continuance of planned activities.

Funds in the contingency account total \$62,250. The Finance Department has approved the transfer.

Council approval is required for budget adjustments in excess of \$10,000.

Motion --
-- carried

Knight moved that the budget adjustment transferring \$ 30,000 from Environmental Maintenance Contingency (OCA 149070) to Environmental Maintenance Lot Cleanup (OCA 149062). Motion carried 7 to 0.

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VOCA

2003-2004 VICTIMS OF CRIME ACT (VOCA) GRANT.

Agenda Report No. 02-1500

On June 19, 2001, the City Council approved the initial grant application for the federal Victims of Crime Act (VOCA) grant funds. With these funds, the Police Department established a Victim Assistance Unit (VAU), staffed by two civilian employees. These employees are responsible for providing direct victim assistance and coordination with established community resources. The Police Department victim advocates work closely with several victim services agencies including the Wichita Area Sexual Assault Center, YWCA Women's Crisis Shelter, Catholic Charities, U.S. Attorney's Victim Assistance Office, the District Attorney's Victim/Witness staff and Assistant District Attorneys.

The VAU is responsible for facilitating a coordinated response to the needs of crime victims, developing and implementing training programs (internally and externally), and administering a contingency fund to meet the emergency needs of crime victims. Victim assistance is focused on the primary and secondary victims of violent crime, including death cases; and elderly victims of burglary. The VAU has been instrumental in working with the Wichita Police Department's violent crimes sections and burglary section to assist victims with restoring stability to their lives, and aiding in the reduction of secondary victimization. The efforts of the VAU, in conjunction with other Police Department personnel, has enhanced service to victims of crime and has established trust and open communication within the community.

The grant application seeks funding for the continuation of the Victim Assistance Unit for an additional two years, beginning October 1, 2002 through September 30, 2004. The total budget request for the two-year period is \$278,467; 80% (\$222,774) to be provided by VOCA funding and a 20% (\$55,693) local match requirement. Funds are available in the Narcotic Seizure fund for the local match.

The City Manager, with the approval of the City Council, has the authority to submit and receive the grant.

Motion --
-- carried

Knight moved that the grant application be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) GRANT – TRANSIT.

Agenda Report No. 02-1501

Apply for Grant and authorize the City Manager to execute the contract with the Kansas Department of Transportation (KDOT).

On May 10, 1999, Governor Bill Graves signed into law House Bill 2071 which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,085,323 for FY 2003 (July 1, 2002 through June 30, 2003) which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's Program. The purpose of this action is to authorize the City Manager to file for eligible State funds in support of the City's Transit services for capital purchases and operations. This action is similar to what the City filed for KDOT's FY 2002 funds last year.

The grant will provide for the following

- Continued purchase of 34 buses, 18 paratransit vans and associated accessories;
- Continuing KDOT-funded Service improvements, including operation and maintenance personnel costs, maintenance parts, equipment overhauls, associated fuels, and paratransit support.

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The \$1,085,375 funds will be divided into Enhanced Services (\$631,323) and Capital (\$454,052) as the local match for federal funding. This amount reported by KDOT was the latest figure reported, but state budgetary concerns may affect the total.

The City Law Department will review the contract prior to execution as to form.

Motion --
-- carried

Knight moved that filing for the Grant with KDOT be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HOMELESS

GRAND APPLICATION - HOMELESS ASSISTANCE.

Agenda Report No. 02-1502

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the 2002 Continuum of Care Homeless Assistance Program. This NOFA make funds available for the Supportive Housing Program which includes transitional housing, supportive services and Safe Havens; Shelter Plus Care; and the Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals.

The Community Council on Homeless Advocacy (CCHA) has been working with the United Way of the Plains to prepare and submit an application for the Wichita-Sedgwick County area.

The Housing Services Department has prepared an application for a one-year renewal of the Shelter Plus Care (S+C) program. This program is designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities, (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or AIDS or related diseases) and their families who are living in places not intended for human habitation (e.g., streets) or in emergency shelters. The program allows for a variety of housing choices, and a range of supportive services funded by other sources, in response to the needs of the hard-to-reach homeless population with disabilities.

Shelter Plus Care funding must be matched by an equal amount of supportive services, which can be provided directly by the housing authority or by other service providers.

The United Way has been working with the CCHA in the implementation of the community process to prioritize the projects, which will be included in the application. A committee of community volunteers has met quarterly for the past year, and on May 30 ranked six proposals to be included in this year's application. The application will be submitted to HUD by the United Way of the Plains on behalf of the sponsoring agencies. If HUD approves funding for any of the projects, the grant agreements will be between the sponsoring agency and HUD. With the exception of the Shelter Plus Care application, which is sponsored by the Housing Services Department, the City of Wichita will have no fiscal or other responsibility for project implementation or oversight.

The application will include the following six projects:

| Project Name | Amount | Agency |
|--|-----------|-----------------------------|
| Permanent Supportive Housing | \$500,000 | Inter-Faith Ministries |
| Purchased Transitional Housing (renewal) | \$168,714 | UMUM |
| Leased Transitional Housing (renewal) | \$269,422 | UMUM |
| Safe Haven (renewal) | \$414,596 | Inter-Faith Ministries |
| BRIDGES Program | \$303,658 | Wichita Children's Home |
| Shelter Plus Care (renewal) | \$613,740 | Housing Services Department |

The Permanent Housing for Persons With Disabilities would use funds to assist in the acquisition and renovation of a two-building apartment complex and adjacent single family house. It would provide 18 studio and one bedroom apartments.

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The Purchased Transitional Housing project is a collaborative effort of United Methodist Urban Ministry (UMUM), StepStone, and Mennonite Housing Rehabilitation Services. The three agencies collaborated in the original project funded in 1996 and purchased and renovated 13 houses to be used for homeless families to make the transition from emergency shelter to permanent independent living. The current request is for renewal funding to continue case management to provide the required supportive services that must accompany transitional housing. Additional resources of UMUM, Stepstone and other community service providers will increase the supportive services available to the residents of these units directed to achieving permanent independent housing.

The Leased Transitional Housing program is similar to the purchased housing described above. However the units would be leased for a period of three years. The proposal is for 12 leased units. The project sponsor is United Methodist Urban Ministry, and is requesting renewal funding.

The Safe Haven provides a safe, secure, non-threatening, non-institutional and supportive environment for severely mentally ill homeless individuals. The goal is for the individuals to become stabilized and participate in available mental health and other services and eventually move to more traditional forms of housing. The facility can house a maximum of 18 persons at any given time. The project is operated by Inter-Faith Ministries.

The Bridges transitional living program sponsored by the Wichita Children's Home provides supervised living arrangements, life skills training, and supportive services to homeless individuals 16½ to 21 years of age. The agency is proposing a new project which will expand the program from 8 to 12 units, and work more closely with the Career Development Office of the City of Wichita to provide education and career training.

In 2001 the Department of Housing and Urban Development was awarded Shelter plus Care funding for 102 units for one year. Required supportive services were provided by COMCARE's Homeless Program, ConnectCare, and Miracles, Inc. These agencies will provide the essential community supports to ensure that the members of their respective target populations will reach their goals of self-sufficiency and independent living in the community. The services committed by these agencies will provide the required match for the Shelter Plus Care funding. The grant application requests funding for an additional year for 102 units.

The Department of Housing and Urban Development has announced a preliminary "pro-rata" need for the City of Wichita and Sedgwick County of \$1,154,135. In addition, the permanent housing project may qualify for \$500,000 over and above the pro-rata amount. Funding for the Shelter plus Care project will come from an allocation approved separately by Congress for the S+C program and will not affect the amount available for the other proposals.

All matching funds required by the projects included in this grant would be provided by the sponsoring agencies, or in the case of Shelter Plus Care, by the partnership agencies. Support by the Council for the application obligates no funding from the City of Wichita.

Motion --

-- carried

Knight moved that submission of the Shelter Plus Care Grant application be approved; the City Manager be authorized to receive funds; the necessary signatures be authorized; and submission of Continuum of Care Application be supported. Motion carried 7 to 0.

(Addendum 29d)

LEPP

LOCAL ENVIRONMENTAL PROTECTION PROGRAM (LEPP) GRANT RENEWAL.

Agenda Report No. 02-1528

Since 1990, the Wichita-Sedgwick Co Dept. of Community Health has received a LEPP grant from the Kansas Department of Health and Environment (KDHE) to fund a local water quality program. In January 1, 2002 the City of Wichita Department of Environmental Health was formed and that department retained responsibilities for Water Quality services. The Department of Environmental Health will be the recipient of the grant. Program objectives are defined in an annual contract with KDHE, and include inspection of on-site sewage systems, inspection and sampling of private water

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wells, reviewing proposed local subdivision plans, conducting educational activities, and coordinating non-point source pollution management efforts with other agencies.

Water quality services performed under the grant address important environmental and potential public health concerns. State support provides a broader funding base and allows a more comprehensive program than might be possible utilizing only local funding. Continuation of the LEPP grant is mutually beneficial for both KDHE and Department of Environmental Health.

The LEPP grant amount for SFY 2003 is \$126,000. This represents the same base funding level as SFY 2002. Three field sanitarians are currently funded through the grant. One additional position is locally funded. This grant does not require additional matching funds.

Motion -- carried

Knight moved that the grant application and submittal be approved. Motion carried 7 to 0.

GO BONDS

GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 206); AND GENERAL OBLIGATION BOND SALE (SERIES 770, 771 AND 956).

Agenda Report No. 02-1503

The City is planning to offer for sale one series of general obligation temporary notes totaling \$94,640,000, two series of general obligation bonds totaling \$17,765,000 for the purpose of providing temporary and permanent financing for capital improvement projects of the City, and one series of general obligation bonds totaling \$8,000,000 for the purpose of providing temporary and permanent financing for Tax Increment Finance (TIF) related projects of the City. The public sale of the bonds and notes is scheduled for 10:30 a.m. on July 16, 2002, at which time sealed bids will be opened and the City Council will award the sale of each series of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

The City's Summer 2002 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 206 Temporary Improvement and Renewal Notes will be used to provide interim financing for various City-at-large and improvement district projects:

| <u>Series 206</u> | |
|---|------------------|
| <u>Project Category</u> | <u>Total</u> |
| Arterial Paving | \$ 2,733,000 |
| Bridges | 94,000 |
| Public Improvements | 10,672,000 |
| Park Improvements | 540,000 |
| Neighborhood Improvements - Water | 2,957,000 |
| Neighborhood Improvements - Sewers | 4,096,000 |
| Neighborhood Improvements - Storm Sewer | 3,436,725 |
| Neighborhood Improvements - Paving | 14,132,900 |
| Sewer Utility Projects | 40,000,000 |
| Water Utility Projects | 10,000,000 |
| Miscellaneous Improvements | <u>5,978,375</u> |
| TOTAL SERIES 206 NOTES | \$94,640,000 |

"Special Assessment Bonds"

The proceeds from the sale of the Series 770 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 770 Bonds. The Special Assessment Bonds will be issued in the par amount of \$8,590,000.

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“City-At-Large Bonds”

The proceeds from the sale of Series 771 Bonds will be used to permanently finance certain City-at-large projects, including arterial streets, public improvements and buildings, park improvements, and neighborhood paving projects. The City-at-large Bonds will be issued in the total par amount of \$9,175,000.

“Tax Increment Finance (TIF) Bonds”

The proceeds from the sale of the Series 956 Bonds, herein referred to as the “TIF Bonds” will be used for public improvements located within the Gilbert/Mosley Tax Increment Financing Districts. Kansas Statutes allow for cities to finance public development or redevelopment of blighted areas, conservation areas, or areas designated as enterprise zones with incremental real estate taxes. Tax increment funds collected within each defined area will be used to pay all or a portion of the costs of the projects located within the TIF district.

Beginning in 2001, the sale of bonds and notes are awarded based on the bid with the lowest true interest cost, or “TIC”. Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in a municipality saving money because TIC does not ignore the timing of interest payments. In addition, the City intends to sell approximately \$85.3 million of short-term Water and Sewer Revenue Bonds within sixty days of the sale of the series of bonds and notes discussed herein.

The Series 206 Temporary Notes will mature on February 20, 2003 and will be retired using the proceeds of both permanent financing bonds and renewal notes.

The Series 770 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 770 Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from city-wide ad valorem taxes. The Special Assessment bonds will be callable in 2009 with a 1% call premium.

Series 771 City-at-large bonds will mature serially over 10 years in equal principal amounts and will be paid as to principal and interest primarily from City-wide ad valorem tax revenues. The City-at-large bonds will be callable in 2007 with a 1% call premium.

The Series 956 TIF Bonds will mature serially over 10 years with principal maturities structured to produce payments which fall within the net tax increment revenue stream. The Series 956 TIF Bonds are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 956 TIF Bonds will be callable in 2007 with a 1% call premium.

The Law Department has approved the Resolution authorizing the sale of the series of temporary notes and the series of bonds and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City’s Bond Council as required by law).

Motion --
-- carried

Knight moved that the Resolutions authorizing the Bond and Note sale be adopted; and submittal of the Preliminary Official Statement and Notice Publications be approved. Motion carried 7 to 0.

RESOLUTION NO. 02-296

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of General Obligation Renewal and Improvement Temporary Notes, Series 206, General Obligation Bonds, Series 770 and 771, and General Obligation Bonds, Series 956, of the City; and providing for the giving of notice of the public sale, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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COMPUTER

GOLF COMPUTER SYSTEM.

Agenda Report No. 02-1504

The Golf Point of Sale (POS) system serves the City of Wichita's golf customers. The current system has been in use for over 10 years, is not networked, and does not provide any capability beyond POS. To better serve Wichita's golf customers and provide a modern system with management reporting capabilities, a replacement golf POS system is required.

A Request for Information was issued, and four systems/vendors were evaluated. The City chose Fairway Systems based on technological capabilities, references from other golf courses, and price.

The new system will provide the following benefits:

- Point of Sale capabilities for the golf courses, pro shops, and snack bars;
- Inventory module;
- Electronic tee sheets;
- Web capability (tee time reservations via the Internet);
- Credit card authorization;
- Interactive Voice Response (IVR) capability;
- Real time data;
- Pre-written reports and reporting writing capabilities;
- Photo identification cards for memberships; and Interface capabilities with City financial systems.

The new system will be supported by Information Technology/Information Services (IT/IS).

Implementation is proposed in three phases. In the first phase, planned for 2002, a centralized data server will be installed in IT/IS, and the Fairway Systems software will be installed on four workstations at Auburn Hills Golf Course. The second phase, in early 2003, will install the software and POS workstations at the other four City Golf Courses, as well as Internet and (possibly) IVR system for tee time reservations. Finally, there will be an implementation and operation phase, highlighted by a support agreement with Fairway Systems for software maintenance.

The implementation cost to establish the server environment and install the POS workstations is \$61,400. IVR software and implementation is estimated to cost \$86,400. Funds are available in the Information Technology equipment replacement fund. Ongoing costs of \$28,517 per year are estimated, and are budgeted within the Golf Fund.

The Law Department will approve the agreement with Fairway Systems as to form.

Motion --
-- carried

Knight moved that the project be approved; the budget transfer and Agreement with Fairway Systems be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

IRB FLIGHTSAFETY

EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – FLIGHTSAFETY INTERNATIONAL. (District V)

Agenda Report No. 02-1505

On December 18, 2001, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$32,500,000, and a 100% five-plus-five year tax abatement on property purchased with bond proceeds to FlightSafety International. The proceeds of the bonds were used to acquire and install additional flight simulators and related equipment at the Flight Safety International Training Center located at 1851-1951 Airport Road. The Wichita Airport Authority on the same day approved a six-month Letter on Intent to FlightSafety for the issuance of Special Airport Facilities revenue Bonds in an amount not-to-exceed \$2.5 million. The bond proceeds were used to construct a building expansion at the FlightSafety International Center. FlightSafety has requested a six-month extension to the term of the Letter of Intent.

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FlightSafety has requested the extension because construction of the project is nearly complete; however, it does not appear that cost and expenses associated will be finalized prior to the date of the Letter of Intent expires. The company is now requesting an extension of six-months of the Letter of Intent until December 18, 2002.

There is no financial impact on the City resulting from the requested extension.

Bond documents required for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion --

-- carried

Knight moved that the extension of the Letter of Intent to FlightSafety International for Industrial Revenue Bonds in an amount not-to-exceed \$32,000,000 million for an additional six months ending December 18, 2002, be approved. Motion carried 7 to 0.

TRAVEL AIR CITY

DISCLAIMER OF INTEREST – PROPERTY IN TRAVEL AIR CITY (NORTH WEBB ROAD). (District II)

Agenda Report No. 02-1506

The owners of several parcels of land located along North Webb Road between Central and 13th Streets have recently found that the title to their properties is encumbered by a contingent dedication of 15 feet of right of way for Webb Road. The contingent dedication was part of a larger dedication by Beech Aircraft Corporation to Sedgwick County that was made in July of 1979. The legal description of the land subject to the contingent dedication erroneously included the land owned by these owners. These owners have never consented to any contingent dedication of right of way.

In order for these owners to clear the title to their land of this contingent dedication encumbrance, it is necessary for the City to execute a Disclaimer of Interest to the 15 feet. All these parcels are platted but will require replatting before redevelopment can occur. At the time of replatting the City will have the opportunity to obtain any additional right of way for Webb Road that is required as a result of the redevelopment.

Motion --

-- carried

Knight moved that the Disclaimer be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER

INSTALLATION OF 66" RAW WATER LINE FROM 21ST STREET AND ZOO TO THE WATER TREATMENT PLANT AND REPAIRS TO THE 48-INCH RAW WATER LINE.

Agenda Report No. 02-1507

In August 17, 1999, the City Council approved spending \$4.7 million to repair the 48" raw water line. On January 25, 2000, City Council approved \$12.6 million for the construction of a 66" raw water line to provide the maximum-day demand in the event that the existing 48-inch raw water line from the Equus Beds wellfield was out of service.

As construction progressed on the 48" raw water line, it became necessary to shift the planned location of the 48" line, so that the 48" line and the 66" line would be constructed simultaneously in the same trench. This has resulted in long-term savings in the total cost of both projects. In the short run, however, the cost for the 48" line is higher than anticipated.

There is adequate budget in the 66" project (CIP W-807) to transfer the necessary funds. This will have no effect on the total CIP budget and will allow for the costs to be accounted for in the proper projects. We are requesting to transfer \$350,000 from the 66" raw water line project to the 48" raw water line project (CIP W-806).

City Council approval is required to transfer funds between CIP projects.

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Motion -- carried

Knight moved that the transfer of funds be approved. Motion carried 7 to 0.

DEACCESSION

DEACCESSION OF THE PAINTING TITLED "THE BLACK SHAW" BY FREDERICK FRIESEKE. (District VI)

Agenda Report No. 02-1508

The painting titled The Black Shawl by Frederick Friesseke (American, 1874-1939) was purchased with unrestricted funds donated to the Friends of the Wichita Art Museum, Inc. (FWAM, Inc.) by the trustees of the Paul Ross Charitable Foundation, through the Friends of the Wichita Art Museum, Inc. The trustees of the Paul Ross Charitable Foundation gave their consent to deaccession the painting on 18 March 2002.

The Black Shawl was a relevant and welcome addition to the collection of the Wichita Art Museum in 1986, for the artist, Frederick Friesseke, was not represented in the collection. However, in late 2001 the Art Museum was given a major painting by Friesseke titled The Yellow Tulip (2001.8). The painting was touring as part of a major exhibition titled Frederick Carl Friesseke: The Evolution of An American Impressionist, organized by the Telfair Museum of Art. The Yellow Tulip was a feature painting in the exhibition, and is illustrated full-page in color in the catalogue (Princeton University Press, 2001, plate 10).

The Yellow Tulip is similar to The Black Shawl in all major respects: subject (an elegantly dressed woman in a domestic interior), style (an impressionism characterized by high-key color and broad brushwork), medium (oil on canvas), and date (1905-10). Yet The Yellow Tulip is a superior work of art because of its more graceful, flowing composition, because it shows the woman's face from full front rather than in a profile that obscures most of it, and because it is slightly larger.

From an art-historical and interpretative point of view, The Black Shawl does not convey a meaning, a social significance, or a formal (aesthetic) quality that is not conveyed just as well or better in The Yellow Tulip. Since The Black Shawl duplicates The Yellow Tulip in all major historical and formal ways without amplifying or expanding those ideas in the repetition, it is the opinion of the director, chief curator, and Board of Trustees that The Black Shawl should be deaccessioned.

The Museum has explored several ways of obtaining the highest price for the painting in an optimal time with the minimum of risks. After careful consideration of the proposals solicited by the Museum from dealers and auction houses, the director and chief curator, with the advice and unanimous approval of the Board of Trustees' Collections Committee, recommend placing The Black Shawl on consignment with a major New York art dealer through the fall of 2002. If the painting has not sold by then, it would be transferred to a major auction house for a late fall sale. The director, chief curator, and Collections Committee believe that this is the most prudent and ethical course of action. Following the ethical guidelines of the Association of Art Museum Directors and the American Association of Museums, the net proceeds from the sale would be used to purchase another work or works of art for the Wichita Art Museum collection.

The City of Wichita succeeded to the ownership of all works of art previously owned by the City or the Wichita Art Museum, including the work of art under consideration. Under the Operation and Management Agreement with the Wichita Art Museum, Inc., the Board operates the Museum and its collections on behalf of the City. However, the City Council must approve any transfer or disposition of title of works of art. All funds received from the sale of works of art must be used by the Board exclusively for Museum purposes according to the contract, and under the Museum's Collection Management Policy must be used for the acquisition of art.

Motion --

Knight moved that deaccession of the painting titled "The Black Shawl" by Frederick Friesseke be approved; and Wichita Art Museum, Inc. be authorized to execute the necessary documents. Motion carried 7 to 0.

-- carried

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COURT IMP.

ATHLETIC COURT IMPROVEMENTS.

Agenda Report No. 02-1509

The Park and Recreation Department has a number of athletic courts across the City which are in need of major repair or replacement. These include basketball/multi-use courts, croquet courts, horseshoe courts, shuffleboard courts, tennis courts, and tetherball courts.

The 2002 Park Capital Improvement Program (CIP) includes funding to repair, remove, or construct courts across the city. On April 16, 2002, the City Council authorized the replacement/reconstruction of four (4) tennis courts—two at McAdams Park and two at Linwood Park. On May 14, 2002, the City Council authorized a change in scope of the project to substitute replacement of courts at Boston Park for those at Linwood. Since that time, courts at Eastview Park have been identified as being of highest priority. In order to facilitate replacement of the Eastview Park courts in as expeditious a manner as possible, it is recommended that existing 2002 funding be utilized for the Eastview courts. At the same time, it is recommended that \$160,000 in approved 2003 CIP funding be authorized now to provide for repair, removal, and/or construction of courts at Boston, Harvest, College Hill, Fairmount, Seneca, and Lincoln parks.

The 2003 Park CIP includes \$160,000 for the repair, removal, and/or construction of athletic courts across the city. The funding source is general obligation bonds.

Motion --

Knight moved that the change in scope of the existing project be approved; the bonding Resolution authorizing initiation of the project be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-297

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the repair, removal, and/or construction of athletic courts at Boston, Harvest, College Hill, Fairmount, Seneca, and Lincoln Parks, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

(Addendum Item No.53)

SETTLEMENT

SETTLEMENT OF LITIGATION

Agenda Report No. 02-1529

In 1999, the plaintiff Malcom suffered various injuries incurred while a passenger in a City of Wichita bus.

After proceeding through discovery, evaluating the extent of the claimed damages, and considering the risks of trial, it was determined that a resolution of this matter is appropriate. After mediation, the City has been offered an opportunity to resolve the action with a lump sum payment as full settlement of all claims arising out of this incident. No admission of liability is made by the City. The purpose of the settlement is to resolve a disputed claim.

Funding for this settlement is from the transit budget.

The Law Department recommends acceptance of the offer of settlement.

Motion --

Knight moved that payment of \$137,500.00 as a full settlement of the case be authorized. Motion carried 7 to 0.

-- carried

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PROPERTY DISP.

PROPERTY DISPOSITION (DEDICATION) OF PORTION OF CITY-OWNED PARCEL AT BLUFFVIEW AND MENLO. (District III)

Agenda Report No. 02-1510

The Sisters of St. Joseph are proposing to build a senior housing facility on land that they own north of Zimmerly and east of Roosevelt. To allow for optimum site development and access, the proposal requires access to Bluffview near its intersection with Menlo. The site is separated by a parcel of City-owned land. The Sisters of St. Joseph have requested that a portion of this parcel be dedicated to them to facilitate this development.

The Park Board has reviewed and approved the dedication. The tract being dedicated is at the southern end of the tract. It is triangular in shape and contains approximately one acre. The parcel is currently undeveloped.

The dedication will have no financial impact to the City.

Motion --
-- carried

Knight moved that the Contacts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 4,2002).

a) Weed mowing.

ORDINANCE NO. 45-333

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

b) Health nuisance (lot clean-up).

ORDINANCE NO. 45-334

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean-up) under the provisions of Section 7.04.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

c) Building condemnations.

ORDINANCE NO. 45-335

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe building which have been declared a nuisance under the provision of Section 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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c) ZON2001-47 - north of 21st Street North, east side of Maize Road. (District V)

ORDINANCE NO. 45 336

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-47

e) ZON2002-00021 – Addition to Old Town Overlay District on Property Zoned Limited Industrial. (District VI)

ORDINANCE NO. 45 337

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00021

PLANNING AGENDA

Marvin Krout

Director of Planning stated that the Planning Agenda, except Item 46, could be considered as consensus, unless the Council desired to withhold Items.

Knight moved that the Planning Agenda, except Item 46, be approved as consensus Items. Motion carried 7 to 0.

SUB2000-124

SUB2000-124 - PLAT OF BEST SUPPLY ADDITION – EAST OF BROADWAY, ON THE NORTH SIDE OF 21ST STREET NORTH. (District VI)

Agenda Report No. 02-1511

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned GI, General Industrial.

A petition, 100%, has been submitted for drainage improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the document and Plat be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-298

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 569, (east of Broadway, north of 21st Street) 468-83441, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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SUB2001-22

SUB2001-22 – PLAT OF HEARTLAND CHURCH ADDITION – SOUTHWEST CORNER OF MAPLE AND 126TH STREET WEST.

Agenda Report No. 02-1512

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This plat is zoned SF-20, Single-Family Residential and is located in the County within three miles of Wichita's City limits. The site has been approved by the County Code Enforcement Office for the use of on-site sanitary sewer facilities. Water will be provided from Rural Water District No. 4. A petition, 100%, has been provided for future sanitary sewer improvements. A petition for paving improvements will be handled by the County. Both a City and County Certificate of Petitions have also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petition will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the document and Plat be approved; the necessary signatures be authorized and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-299

Resolution of findings of advisability and Resolution authorizing construction of Lateral 28, Cowskin Interceptor Sewer (south of Maple, east of 167th Street West) 468-83388, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-130

SUB2001-130 – PLAT OF COLLEGE HILL SQUARE ADDITION – SOUTHEAST CORNER OF CENTRAL AND HILLSIDE. (District II)

Agenda Report No. 02-1513

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-2)

This is a replat which includes the vacation of Holyoke Avenue and Third St. The site has been approved for a zone change (PUD 2001-02) to Planned Unit Development for an office/commercial development.

A cross-lot circulation agreement has been provided in order to assure internal movement between the lots. A petition, 100%, has been submitted for paving improvements. A Certificate of Petition has also been submitted. A temporary utility easement was provided to cover an existing sewer line prior to its relocation. A sidewalk certificate has been submitted for construction of sidewalks along Rutan Avenue. A PUD Certificate was provided identifying the approved PUD and its special conditions for development. A cash guarantee has been provided in order to guarantee the closure of driveways currently located in areas platted with complete access control.

The negative Planning Commission votes indicated the Commissioners' concern with traffic. They wanted to follow the recommendation of the planning and engineering staff that this owner allow cross lot access for the property abutting to the south, which can be expected to redevelop in the future, in order to reduce the number of driveways along this segment of Hillside. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

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Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petition, temporary utility easement, PUD Certificate, sidewalk certificate and cross-lot circulation agreement will be recorded with the Register of Deeds.

Motion --

Knight moved that the document and Plat be approved; the necessary signatures be authorized; the Resolution be adopted; and the PUD2001-02 Ordinance be place on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds.. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-300

Resolution of findings of advisability and Resolution authorizing improving of Hammerhead Turnaround at the terminus of Holyoke Avenue (south of Central, east of Hillside) 472-83605, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.010, introduced and under the rules laid over. PUD2001-02

SUB2002-08

SUB2002-08 – PLAT OF RIDGE PORT COMMERCIAL PARK ADDITION – NORTH OF 29TH STREET NORTH, WEST SIDE OF RIDGE ROAD. (District V)

Agenda Report No. 02-1514

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned LI, Limited Industrial.

Petitions, all 100%, have been submitted for sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A cross-lot access easement has been provided for the benefit of the abutting property to the south.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, restrictive covenant and access easement will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-301

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89699 (north of 29th Street North, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-302

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 19, Southwest Interceptor (north of 29th Street North, west of Ridge) 468-83386, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-303

Resolution of findings of advisability and Resolution authorizing construction of Part 4, Main 19, Southwest Interceptor (north of 29th Street North, west of Ridge) 468-83387, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-304

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 572, (north of 29th Street North, west of Ridge) 468-83465, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-305

Resolution of findings of advisability and Resolution authorizing constructed pavement on Northwind and West 33rd North, from the east line of the Plat, west, southeast and east back to the east line of the Plat. Drainage to be installed where necessary (north of 29th Street North, west of Ridge) 472-83556, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-306

Resolution of findings of advisability and Resolution authorizing construction of a left turn bay on Ridge Road from the south line of Lot 7, Block A, Ridge Port Second Addition to the north line of Lot 1, Block 1, Ridge Port Commercial Park. Drainage is to be installed where necessary (north of 29th Street North, west of Ridge), 472-83557, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DED2002-17

DED2002-17 – DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY ON THE EAST SIDE OF BURNS AVENUE, BETWEEN 18TH AND 19TH STREETS NORTH.
(District VI)

Agenda Report No. 02-1515

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2002-36, and is being dedicated for street right-of-way along Burns Avenue.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations.

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The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the Dedication be accepted. Motion carried 7 to 0.

ZON2000-00045

ZON2000-00045 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR ZONE CHANGE REQUEST FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – SOUTH OF CENTRAL, WEST OF TYLER. (District V)

Agenda Report No. 02-1516

Staff Recommendation: Approve one-year extension of time to complete platting.

On November 14, 2000, the City Council approved a zone change request from “SF-5” Single-Family Residential to “LC” Limited Commercial on property located south of Central and west of Tyler. Approval of the zone change request was subject to the condition of platting the property within one year. An application to plat the property has not been submitted. At the request of the applicant, staff approved a six-month extension of time to complete platting to May 14, 2002 to allow time to complete unspecified contractual agreements. The applicant now has requested an additional one-year extension of time to complete platting to allow time to complete the same unspecified contractual agreements. MAPC Policy Statement No. 5 indicates that second extensions of time to complete platting require City Council approval.

Motion -- carried

Knight moved that the one-year extension to May 14, 2002, be approved. Motion carried 7 to 0.

Z-3304

Z-3304 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR ZONE CHANGE REQUEST FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE – NORTHEAST CORNER OF CENTRAL AND 135TH STREET WEST. (District V)

Agenda Report No. 02-1528

Staff Recommendation: Approve six-month extension of time to complete platting.

On February 9, 1999, the City Council approved a zone change request from “SF-5” Single-Family Residential to “NO” Neighborhood Office on property located on the northeast corner Central and 135th Street West. Approval of the zone change request was subject to the condition of platting the property within one year. At the request of the applicant, staff approved a one-year extension of time to complete platting to February 9, 2001 due to the death of one of the owners. On January 23, 2001, the City Council approved another one-year extension of time to complete platting to February 9, 2002 also due to the death of one of the owners. The MAPC approved the plat of the property January 10, 2002; however, the applicant is working with two large mortgage holders to acquire the necessary signatures on the final platting documents and has not met the platting deadline. The applicant now has requested an additional six-month extension of time to complete platting. MAPC Policy Statement No. 5 indicates that subsequent extensions of time to complete platting require City Council approval.

Recommendation:

Motion -- carried

Knight moved that the six-month extension to August 9, 2002, be approved. Motion carried 7 to 0.

ZON2002-00014

ZON2002-00014 – ZONE CHANGE FROM LIMITED INDUSTRIAL TO GENERAL COMMERCIAL – NORTHEAST OF THE SOUTH SENECA/WEST HARRY. (District IV)

Agenda Report No. 02-1517

MAPC Recommendation: Approve. (14-0)

Staff Recommendation: Approve.

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The applicant is requesting "GC" General Commercial zoning on Lots 12, 13, & 14, Block 14, Franklin Yikes Addition. The applicant lives in an approximately 1,100 square-foot single-family residence on the site. The applicant proposes to build a 720 square-foot garage. The current zoning is "LI" Limited Industrial. Single-family residential use is not a permitted use or a conditional use in "LI" zoning, this makes the current single-family residence a nonconforming use. Enlargement and expansion of a nonconforming use within an existing nonconforming structure or into a separate structure can be up to a maximum of 30% of the floor area of the existing nonconforming structure. The maximum expansion allowed, based on the applicant's nonconforming structure's floor area would be approximately 300 square-feet. Single-family residential use is permitted by right in "GC" zoning.

The area around the subject property is zoned "LI" and is developed primarily as warehouses, contractor yards, manufacturing, shipping and receiving and some retail or wholesale businesses. There are some undeveloped properties in the area. There is infrequent, scattered, established housing within the "LI" zoning that appears, as far as Staff can determine, to pre-date the zoning of this area into "LI" zoning. The only exception to the "LI" zoning of the area is approximately 80-feet southeast of the site, where the corner of Handley and Figg is zoned "GC" General Commercial. The "GC" zoning for this site was approved in the 1950's, according to the earliest record Staff, could find on zoning maps. The structure and use on the "GC" lot is single family residential. Another request for Commercial zoning, Z-2938, was deferred and closed without the change in 1989. Developments abutting or adjacent to the site include a scrap yard to the south, an office to the north, a contractor's yard to the west, and another contractor's yard and a vacant lot to the east.

At the May 23rd, 2002 public hearing, the MAPC voted (14-0) to recommend the Rezoning request for approval. There were no speakers in favor of or in opposition to the request at the hearing. There have been no written protest or calls opposing the zoning change.

Motion --
-- carried

Knight moved that the zone change be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON2002-00014

(Item No. 46)
ZON2002-00023

ZON2002-00023 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – NORTHEAST CORNER OF UNIVERSITY AND RIDGE. (District V)

Agenda Report No. 02-1518

MAPC Recommendation: Approve, subject to staff recommendation, except that drive-through restaurants be permitted with outdoor sound amplification systems and replatting within two years. (11-3)

DAB Recommendation: Approve, subject to staff recommendation. (5-1)

Staff Recommendation: Approve, subject to the provisions of a Protective Overlay District and replatting within one year.

The applicant requests a zone change from "SF-5" Single Family Residential to "LC" Limited Commercial on a 0.85 acre platted tract located on the northeast corner of University and Ridge. The applicant proposes to redevelop the subject property with a restaurant with a drive-through lane. The applicant also has indicated a desire for commercial development on the subject property to have access to University. The subject property is currently developed with a single family residence and an accessory structure.

The surrounding area is characterized by a mixture of residential uses, commercial uses, and undeveloped property zoned for or in the process of being zoned for commercial uses. The properties to the south and east are zoned "SF-5" Single Family Residential and are developed with single family

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residences. The property to the west is zoned "LC" Limited Commercial and is developed with a Lowe's. The properties to the north are vacant and are currently zoned "LC" Limited Commercial and "SF-5" Single Family Residential. The properties to the north that are zoned "SF-5" Single Family Residential have been approved for rezoning to "LC" Limited Commercial subject to a pending plat of the property.

Although planning staff finds that "LC" Limited Commercial zoning is appropriate for the subject property, planning staff does not find that a restaurant with a drive-through lane or commercial traffic accessing University are appropriate. In this case, the character of the street, the intensity of traffic, and the potential for "cut-through" traffic using University and Summitlawn all argue against such access. Instead, to buffer commercial development on the subject property from existing residences to the south and east, planning staff recommends that a Protective Overlay be approved that continues the development controls established during the approval of the zoning changes on the adjacent properties to the north. The recommended Protective Overlay limits signage, lighting, noise, and building height; requires a six foot high masonry wall along the south and east property lines; and prohibits certain uses, such as drive-through restaurants, that are less compatible with residential development. If in the future the zoning of the residential properties to the south and east is changed to allow commercial uses, then the provisions of the Protective Overlay could be amended, but planning staff finds that high-intensity, auto-oriented commercial use of the subject property is not appropriate at this time.

Additionally, planning staff recommends that the subject property be replatted to ensure that sufficient street right-of-way, access controls, drainage plans, street improvements, and/or utility easements are in place to support commercial development of the property. More specifically, planning staff will recommend at the time of platting that access to the subject property be limited to a single access drive to Ridge to be shared with the adjoining property to the north, for which a replat was recently approved that required cross-lot access with the subject property. Additionally, although planning staff does not recommend permitting commercial traffic to access University, if access is to be granted to University at the time platting, planning staff will recommend that a guarantee be required to improve the street to commercial standards.

At the MAPC hearing on May 23, 2002, one speaker in opposition to the request cited concerns with commercial traffic generated by the subject property negatively impacting the residential neighborhood to the east. At the hearing, the applicant requested the following changes to the staff recommendation: 1) drive-through and drive-in restaurants be permitted, 2) off-site signs be permitted, 3) outdoor sound amplification systems be permitted, 4) right-turn, out-only access to the property be permitted, and 5) two years be allowed to complete replatting. The MAPC voted (11-3) to approve the request subject to platting within two years (at which time they indicated they likely would be in favor of right-turn, out-only access to the property) and subject to the following provisions of a Protective Overlay District:

- A. No off-site or portable signs shall be permitted on the subject property. No building signs shall be permitted along the face of any building that faces any adjoining property or property across the street from the subject property that is in a residential zoning district.
- B. Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any adjoining property or property across the street from the subject property that is in a residential zoning district. Light poles shall be limited to a maximum height of 14 feet.
- C. Outdoor speakers and sound amplification systems shall not be permitted except for businesses with a drive-thru aisle.
- D. No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E. A 6 foot high masonry wall shall be constructed parallel to the south and east property lines where property in a residential zoning district adjoins or is across the street the subject property. The masonry wall along the south property line shall be setback from the property line a sufficient distance to provide the required landscaped street yard on the south side of the wall.
- F. The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; group home; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; service station; tavern and drinking establishment; and vehicle repair.

At the DAB V hearing on June 3, 2002, there were no speakers, other than the applicant, in favor off or in opposition to the request. DAB V voted (5-1) to approve the request subject to the staff

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recommendation, meaning DAB V did not support the applicant's request and the MAPC's recommendation to permit drive-through restaurants with outdoor sound amplification systems.

Motion --

Martz moved that the City Council concur with the findings of the MAPC and approve the zone change; subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within two years; and instruct the Planning Department to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

A02-11

A02-11 REQUEST BY THE CITY OF WICHITA TO ANNEX A PORTION OF 21ST STREET NORTH AND A PORTION OF HOOVER ROAD.

Agenda Report 02-1519

A street segment is considered for annexation if, based on City policy, it abuts the City for approximately ½ mile or more on both sides. The Public Works Department of the City of Wichita has identified segments of Hoover Road and 21st Street North that should be annexed and maintained by the City of Wichita.

Hoover Road: from the north line of the RR tracks south of 21st Street North to 1/2 mile north of 21st Street North. The road abuts the City both sides.

21st Street North: from the north line of the RR tracks west of Hoover to 1/4 mile east of Hoover. The road abuts the City on both sides.

The City Public Works Department estimates the annual maintenance cost of the street segments proposed for annexation to be \$9,000 per lane mile. The following shows the estimated annual maintenance cost for this street segment:

| Street Segment | Estimated Annual Maintenance Cost |
|----------------------------|-----------------------------------|
| Hoover Road (2-lane) | \$10,125.00 |
| 21st Street North (2-lane) | <u>\$ 5,625.00</u> |
| Total | \$15,750.00 |

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --

Knight moved that the Annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A02-11

AIRPORT AGENDA

Knight moved that the Airport Agenda be approved as consensus Items. Motion carried 7 to 0.

AIRPORT

EXTENSION OF LETTER OF INTENT FOR SPECIAL AIRPORT FACILITIES REVENUE BONDS – FLIGHTSAFETY INTERNATIONAL.

Agenda Report No. 02-1520

On December 18, 2001, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$32,500,000, and a 100% five-plus-five year tax abatement on property purchased with bond proceeds to FlightSafety International. The proceeds of the bonds

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were used to acquire and install additional flight simulators and related equipment at the Flight Safety International Training Center located at 1851-1951 Airport Road. The Wichita Airport Authority on the same day approved a six-month Letter of Intent to FlightSafety for the issuance of Special Airport Facilities revenue Bonds in an amount not-to-exceed \$2.5 million. The bond proceeds were used to construct a building expansion at the FlightSafety International Center. FlightSafety has requested a six-month extension to the term of the Letter of Intent.

FlightSafety has requested the extension because construction of the project is nearly complete; however, it does not appear that cost and expenses associated will be finalized prior to the date of the Letter of Intent expires. The company is now requesting an extension of six-months of the Letter of Intent until December 18, 2002.

There is no financial impact on the City resulting from the requested extension.

Bond documents required for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion --

-- carried

Knight moved that the extension of the Letter of Intent to FlightSafety International for Airport Special Facilities Revenue Bonds in an amount not-to-exceed \$2.5 million for an additional six months ending December 18, 2002, be approved. Motion carried 7 to 0.

AIRPORT

NORTHWEST AIRLINES – MINNEAPOLIS SERVICE INCENTIVES.

Agenda Report No. 02-1521

On December 17, 2001 Northwest Airlines began offering non-stop Minneapolis service out of Wichita Mid-Continent Airport. Two departures and arrivals are offered daily on Canadier Regional Jets for a daily increase of 100 outbound seats. The addition of this service provides the potential for 95 of Wichita's top 100 destinations to be served through Northwest. Northwest also offers non-stop service to Memphis three times daily.

An incentive package was proposed to assist Northwest in the success of the new service. Items that were accomplished when the service was initially announced in September included facilitating airline sales representatives' interaction with corporate travel managers and travel agencies. Other planned new service media coverage was forgone due to the events of September 11th. Remaining incentives include a \$25,000 reimbursement to Northwest for local media advertising efforts and the purchase, and lease to Northwest Airlines, of a passenger loading bridge that better handles the needs of regional jets.

Reimbursement of the advertising efforts is included in the Airport operating budget. A capital project was approved by Council on March 5, 2002 for \$1.2 million to fund the purchase of three loading bridges.

Motion --

-- carried

Knight moved that the modified incentive package be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

TAXIWAY "M" SUPPLEMENTAL AGREEMENT.

Agenda Report No. 02-1522

On June 5, 2001 City Council approved an agreement with Professional Engineering Consultants for design services on Taxiway "M".

A supplemental agreement has been prepared to provide design modifications related to the storm sewer system. In addition, the supplemental agreement provides construction related services for the modifications.

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The cost of the additional design services is \$38,842 and will be funded with an FAA grant and General Obligation bonds paid by Airport Revenue. Funds are available in the current budget. It has been determined that items ineligible for federal participation will necessitate a budget transfer within the already approved budget total of \$10,998,843.77. The transfers are needed to reflect grant funds of \$9,611,077.71, G.O. bonds paid by airport revenue of \$1,345,716.70 and funding with airport cash in the amount of \$42,049.36.

The agreement will be approved by the Law Department and the Federal Aviation Administration.

Motion --
-- carried

Knight moved that the Agreement be approved; the Resolution be adopted; and the necessary budget transfers and signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. A-02-008

A Resolution declaring that a public necessity exists for, and that the public safety, service, and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting for the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

AIRPORT

FACILITY MANAGEMENT SYSTEM.

Agenda Report No. 02-1523

There is a considerable investment in a facility management system (FMS) used to control and automate several of the buildings located on Mid-Continent Airport and Jabara Airport. The FMS provides efficiency that helps to control labor and utility costs. The system was installed in 1982 by BCS and is maintained by them under an annual service agreement.

It is necessary to replace SCU #10 and #15 cabinets due to age and to maintain compatibility between the various components of the system as upgrades are made.

The cost is \$25,200 and is included in the current operating budget

Motion – carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

AIRPORT

FARMING OPERATIONS – MID-CONTINENT AIRPORT.

Agenda Report No. 02-1524

For many years, farming permits have been granted to farmers to plant various crops (primarily wheat) on Wichita Mid-Continent Airport. This practice served several purposes: in some instances, it allowed farmers to continue farming land that was purchased from them by the Wichita Airport Authority; it relieved the WAA of the maintenance responsibility for these areas; and it provided a revenue source to the WAA. Currently, approximately 1,000 acres are farmed on Mid-Continent.

Several years ago, the WAA entered into an agreement with the U. S. Department of Agriculture/ Wildlife Services (USDA -APHIS-Wildlife Services) to develop a wildlife hazard analysis of wildlife species found within the airport environment, wildlife abundance, seasonal wildlife population trends, peak usage periods, special hazard zones, and environmental and man-made habitat factors that encourage wildlife. From this analysis, a number of recommendations have been made to assist the WAA in reducing potential risks to aircraft.

In a letter dated June 6, 2002 from Mr. James Luchsinger, State Director of the NE/KS USDA-APHIS-Wildlife Services Program, Mr. Luchsinger recommends that Mid-Continent Airport “eliminate all row production within the airport environment.” In Section 1-2, of FAA Advisory Circular 150/5200-33 (which deals with hazardous wildlife attractants on or near airports), the FAA recommends against land

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use practices that attract or sustain populations of hazardous wildlife within the vicinity of airports, or cause movement of hazardous wildlife onto, into, or across the approach or departure airspace, aircraft movement area, loading ramps, or aircraft parking areas of airports.

The USDA-APHIS-Wildlife Services indicates that an airport environment maintained in a monoculture of fescue grass mowed to specific standards is significantly less attractive to waterfowl and other birds and mammals than an airport that allows crop production. In addition, discontinuing the planting of crops will compliment other wildlife damage management methods already being employed on the airport.

Revenue to the WAA in 2001 was approximately \$51,000. A change in the farming operations will result in a revenue loss of this amount. In addition, there will be an initial expense of seeding the acreage to tall fescue, and an on-going annual expense for mowing. It is anticipated that requests for proposals will be developed to solicit a contractor to provide these services.

Motion --
-- carried

Knight moved that the change in farming operations and budget adjustments be approved; and Staff be authorized to solicit proposals.

ADJOURNMENT

The City Council meeting adjourned at 10:48.

Pat Burnett CMC
City Clerk

Joint Luncheon: City & County - Law College